

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS

v.

: BRADFORD COUNTY, PENNSYLVANIA

RONALD JAMES BAKER

: NO. 96-000716

TRANSCRIPT OF PROCEEDINGS

SENTENCING PROCEEDING

BEFORE: MOTT, J.

DATE: AUGUST 18, 1997

**WHERE: COURTROOM NUMBER TWO
BRADFORD COUNTY COURTHOUSE
TOWANDA, PENNSYLVANIA**

ATTENDANCES:

FOR THE COMMONWEALTH:

ROBERT B. McGUINNESS, ESQ.
DISTRICT ATTORNEY

FROM THE DEFENDANT:

SUDAN E. HARTLEY, ESQ.
ATLANTA, PENNSYLVANIA

**OFFICIAL COURT REPORTER
JULIE L. LUNDQVIST**

Oct 15 1977

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1 Commw. v. Ronald James Baker, 96 FC 000716

2 August 18, 1997, plea proceeding

3 * * *

4 MR. McGUINNESS: Commonwealth next calls the
5 case of Commonwealth of Pennsylvania versus Ronald James
6 Baker, number 96 CR 716. For the record, we'll note the presence
7 of the Defendant, appearing with counsel, Ms. Hartley. The
8 Defendant is before the Court at this time to be sentenced on two
9 counts of accidents involving injury or death by an unlicensed
10 operator, two counts of aggravated assault by motor vehicle while
11 driving under the influence of alcohol, two counts of reckless
12 endangerment, one count of driving under the influence of alcohol,
13 one count of driving while suspended or operating privileges
14 suspended or revoked as a repeat offender.

15 We would note that a pre-sentence investigation report
16 has been prepared in anticipation of sentencing at this time.

17 THE COURT: The Court has in its -

18 MR. McGUINNESS: I would note that there is no
19 CRN evaluation.

20 THE COURT: All right. The Court has in its
21 possession a pre-sentence investigation report prepared by the
22 Bradford County Probation Office, which the Court has reviewed
23 in anticipation of today's sentencing proceeding. Attached to the
24 report is - sentencing guideline forms indicating that on the DUI
25 charge, the Defendant has no prior DUI dispositions in the

1 previous seven years. Also attached to the report are sentencing
2 guidelines forms indicating offense gravity score, prior record
3 score and range for the minimum end of the sentence for each of
4 the other offenses other than the summary offenses, of course, to
5 which the guidelines don't apply.

6 On the two counts of accident involving injury or
7 death by unlicensed operator, the Defendant's prior record score
8 is zero, the offense gravity score is five, and the range for the
9 minimum end of the sentence for each of those offenses, the offense
10 gravity score and prior record score being the same on each - the
11 ranges are also the same for each. They are as follows: In the
12 mitigated range, the guidelines call for a sentence of no
13 punishment to restorative sanctions. In the standard range, at
14 sentencing level two, it's restorative sanctions to six months. In the
15 aggravated range, at sentencing level three, it's six to nine months.

16 On the two counts of - strike that. On the first count
17 of aggravated assault by motor vehicle while under the influence of
18 alcohol, the Defendant's prior record score is three, the offense
19 gravity score is seven, yielding a range for the minimum end of the
20 sentence in the mitigated range, at sentencing level three, it's ten to
21 sixteen months. In the standard range, at sentencing level four,
22 it's sixteen to twenty-four months. And in the aggravated range at
23 sentencing level four, it's twenty-four to thirty months.

24 On the second count of aggravated assault by motor vehicle
25 while driving under the influence, the prior record score is zero,

1 the offense gravity score is seven, yielding a range for the
2 minimum end of the sentence, in the mitigated range, at sentencing
3 level one, it's restorative sanctions to four months. In the standard
4 range at sentencing level three, it's four to twelve months, and in
5 the aggravated range at sentencing level four, it's twelve to
6 eighteen months.

7 On the two counts of reckless endangerment, the prior
8 record score, offense gravity score and range for the minimum end
9 of the sentence are the same, and they are as follows: The prior
10 record score is zero, the offense gravity score is three, range for
11 the minimum end of the sentence is no punishment to restorative
12 sanctions in the mitigated range. In the standard range at
13 sentencing level two, it's restorative sanctions to restrictive
14 intermediate punishment, in the aggravated range at sentencing
15 level three, it's restrictive intermediate punishment to three
16 months.

17 Also attached to the report are victim impact
18 statements filed by the victims in this case, Richard Benjamin,
19 junior, making no monetary request for restitution. There's one
20 filed by Fred Vanderpool, also making no monetary request for
21 restitution. There is a victim impact statement filed by the victim,
22 or on behalf of the victim, Chelsea Brenner, which makes a total
23 restitution request of eighty-three thousand, eight hundred and
24 ninety-four dollars and thirty-five cents. And there is a victim
25 impact statement also filed by Kim Benjamin, I believe, yes, -

1 which makes a total restitution request of eighteen thousand, three
2 hundred and forty-seven dollars, and sixty-two cents. And there
3 are also some copies of hospital bills to document those expenses.

4 Ms. Hartley, have you had the opportunity to review
5 the pre-sentence report?

6 MS. HARTLEY: Yes, I have, Your Honor.

7 THE COURT: Is there anything you wish to say or
8 present on behalf of your client?

9 MS. HARTLEY: Well, Judge, the pre-sentence
10 investigation report does recommend that the Court accept the
11 plea agreement entered into by and between the Commonwealth
12 and the Defendant, and further reflects that the Defendant states
13 that he does feel remorse and does take responsibility for his
14 actions. We feel that the plea agreement that was negotiated
15 between counsel adequately takes into consideration the
16 Defendant's significant prior criminal history.

17 Judge, as to restitution, my understanding from
18 speaking with the victim witness coordinator, was that the request
19 was for thirteen thousand, one hundred thirty-one dollars and
20 thirty-three cents, to which the Defendant does not take issue.
21 Additionally, Judge, Mr. -

22 THE COURT: What was that figure again?

23 MS. HARTLEY: Thirteen thousand, one thirty-one,
24 point - thirty-three. There's a memo from Mr. Wilcox in the PSI
25 to that effect.

1 THE COURT: Either I don't have a copy of it or I
2 missed it -

3 MS. HARTLEY: It's right after the Fred Vanderpool
4 victim impact statement, it's kind of towards the front.

5 THE COURT: I don't have that.

6 MS. HARTLEY: May I approach, Judge?

7 THE COURT: Could I see a copy of it, please?

8 *(Memo presented to Court)*

9 THE COURT: I am aware of that memo now that it
10 has been given to me, however, that indicates to me that that's
11 simply the amount of bills that have not been covered by
12 insurance, which would be due to the individual victims in this
13 case. It's long been this Court's policy that it orders full
14 restitution for the full amount. The insurance companies have as
15 much right to recover what they paid as do the victims.

16 MS. HARTLEY: The Defendant understands the
17 Court's position, Judge, thank you. Additionally, Your Honor,
18 Mr. Baker is scheduled to have surgery on his leg tomorrow. We
19 have arranged with the Sheriff that Mr. Baker will be kept
20 incarcerated in Bradford County until such time as his surgeon
21 releases him. I would ask that the Court reflect that in the Court's
22 sentencing order since clearly Mr. Baker will be receiving a
23 sentence of state time. It's my understanding, typically, the Court
24 says -- immediately the Sheriff will remand him to -

25 THE COURT: I never say immediately the Sheriff is

1 to transport - when I sentence to an institution, it's up to the
2 Sheriff to do what he wishes with that order. You're asking for an
3 order to specifically say something?

4 MS. HARTLEY: I was under the impression, Judge,
5 that you put those - that you, at the time that you sentence, that
6 you say that the Sheriff will immediately transport to state, but if
7 you don't do that, then that's not relevant -

8 THE COURT: I don't think I've ever done that. I
9 don't think I've ever once done that. I could be wrong, but I don't
10 think I've ever once done that. I mean, the Sheriff, we may have
11 somebody sentenced to state correctional institution today and
12 another one tomorrow and another one the next day and so on and
13 so forth and it may be - much more cost effective for the Sheriff to
14 wait a week and transport them altogether rather than do three or
15 four different trips, and I've always left that up to that office. Mr.
16 McGuinness, anything on behalf of the Commonwealth?

17 MR. McGUINNESS: Yes, Judge. In this case, first of
18 all, it's the Commonwealth's position that sentencing should go
19 forward despite the absence of the CRN evaluation as merger will
20 take care of the DUI offense anyway. In this case, we believe that
21 the Defendant should be sentenced on four counts, they being -
22 accidents involving injury or death by an unlicensed operator and
23 the two counts of aggravated assault while driving a motor vehicle
24 under the influence of alcohol. We believe that the other offenses
25 of reckless endangerment, the DUI and the driving while

1 suspended, merge into these offenses for purposes of sentencing.
2 And I believe that the defense agrees that this is a proper verdict.

3 We think in this case, the Commonwealth has brought
4 before the Court to be sentenced, an individual who has spent an
5 entire lifetime of thirty-six years proving to be nothing more than
6 a sociopath and a menace. Mr. Baker has no respect when he's on
7 the street whatsoever for the laws of society and the rights of other
8 individuals. He has been arrested, by the pre-sentence
9 investigation report, or charged with a criminal offense, on no less
10 than twenty-seven occasions. He's been sentenced to the state
11 penitentiary. He's received every single level of punishment that
12 an individual can have and Mr. Baker continually flaunts the law.

13 In this case, he drives without a drivers license. His
14 driving record indicates that he never in his lifetime possessed a
15 valid drivers license. Nonetheless, he drives on the roadways of
16 the Commonwealth at will. He was arrested, during the week in
17 which he was arrested or stopped, during the week at least three
18 times before he committed this offense.

19 This is his first DUI, but he has a long history of use of
20 abuse of alcohol and drugs. No other individual, to my knowledge,
21 and I have been intimately involved in the Bradford County
22 criminal justice system for the last eleven years, no other
23 individual has been before the Court so many times for inflicting
24 injuries on other people. For PFAs, for harassments, for assaults,
25 this individual just simply feels that no law whatsoever prevents

1 him from, when he's under the influence of drugs and alcohol,
2 from inflicting injuries on anyone who gets in his path.

3 In this case, Mr. Baker was under the influence of
4 alcohol. A BAC report shows point one, two, five, (.125) but it
5 must be noted that he had received a blood transfusion which
6 diluted the BAC. He was, by his own report, he consumed thirty
7 drinks of vodka and orange juice prior to driving. And he drove
8 on a road, a winding two lane road, where he had no clear
9 visibility, at a high rate of speed, passing another vehicle, not
10 having a drivers license, he had no care whatsoever or regard for
11 other individuals or vehicles in his same direction of travel on the
12 roadway. There was a car that contained infants, he had no
13 regard whatsoever for them, he knew these people, he had
14 socialized with these people. He drove like a maniac and he struck
15 head-on, three people that were completely innocent, coming in the
16 opposite direction, being Ms. Benjamin, her son Richard, and
17 daughter Chelsea, struck them head-on.

18 He did such injuries to the child as to require eighty
19 thousand dollars in surgeries and the child's not done - there were
20 ten facial fractures. He crushed the ankles of Kim Benjamin. It's
21 a miracle that these individuals lived. It's a miracle that the child,
22 Richard Benjamin, was uninjured in this accident. But, but for the
23 miracle or the intervention, or the engineering of the vehicle,
24 whatever it is, fate whatever, Kim Benjamin, Richard Benjamin
25 and Chelsea Brenner would be dead by the conduct of this

1 Defendant. He just drove like a maniac, struck this vehicle right
2 head-on.

3 Mr. Baker's always sorry when he comes to court, but
4 anytime he gets out on the street, the first thing he does is assault
5 somebody, get into drugs and alcohol, and drive, ostensibly without
6 a license, without insurance that would adequately compensate
7 these individuals.

8 Mr. Baker's record shows next to nothing as far as
9 ever being employed. He has accumulated no assets. These things
10 speak highly of - of the nature of the lifetime that he's led. He's
11 got an eighth grade education. He doesn't work. All he does is
12 abuse drugs and alcohol, get incarcerated, be supported at the
13 taxpayers' expense. The taxpayers of this Commonwealth have to
14 pay now to mend him with these surgeries and operations and feed
15 and clothe him while he's in prison.

16 He has done nothing in his lifetime, as is indicated in
17 this pre-sentence report, nothing of a positive nature whatsoever.
18 He is a menace and society will be best off if he is committed to a
19 state correctional institution for as long as possible as far as the
20 maximum sentence in this case.

21 We have, in this case, in entering into a plea
22 agreement, attempted to save the victims of this offense, the
23 tragedy of having to relive through a trial, these horrific events.
24 We have tried to save the Commonwealth the additional expenses
25 of expert witnesses that would have to testify, and the costs of the

1 trial, so we've entered into it, and by doing so, have agreed to a
2 sentence that exceeds the aggravated range of the sentencing
3 guidelines. And given the nature of Mr. Baker's contact through
4 the criminal justice system, they are such, that the prior record
5 score that's computed by three here, grossly understates the
6 nature of his involvement in the criminal justice system.

7 If you look at the three pages of offenses that are
8 reported to the Court in the pre-sentence investigation report, it's
9 hard to imagine how this individual is not a five prior record score
10 or a -- but the nature of simple assault as it is, I suppose, and that
11 being his crimes of choice, the day he happened to be driving
12 without a license and driving under suspension, being his crime of
13 choice, or the most frequently occurring - and harassment not
14 committing to - or not counting, the pre-sentence investigation
15 report, the PRS, is probably why. But this individual is a career
16 criminal, this individual is a menace, the people of Bradford
17 County are best served by his commitment to a state correctional
18 facility for this sentence of seven and a half years, which is beyond
19 the aggravated range and the guidelines. We ask that the Court
20 impose the maximum sentence, the highest maximum sentence
21 possible in this case - that would be thirty-four years. I think that
22 this will allow the state parole to supervise Mr. Baker, and
23 incarcerate him, if necessary, until he's up to seventy years of age.
24 He is a menace, and he - the people of this community are best
25 served by his commitment to an institution for as long as possible.

1 There is no rehabilitation for this individual. He's always been
2 real good at expressing remorse and crying when he comes to
3 court, when he's going to get to face his punishment. But it never
4 does much to straighten him up.

5 There are no periods of law abiding activity on his
6 part. The only time it breaks up between offenses in Mr. Baker's
7 record, are those periods in time when he's committed to a facility.
8 He belongs in a state prison. This is the type of individual that the
9 state spent millions of dollars to build state correctional facilities
10 for, to keep them, and house them away, where they can't hurt the
11 rest of society, where decent people, like Kim Benjamin and her
12 two children, can know for the next seven and a half years that
13 when they go around a turn in the road, there won't be a drunken
14 maniac, without a license, and without insurance, coming in their
15 lane of travel to meet them and send them to the hospital for long
16 periods of time.

17 For all the suffering that Mr. Baker has caused in his
18 lifetime, the sentence of seven and a half to thirty-four years, is a
19 small penalty to pay. This individual simply should be locked
20 away. And rehabilitation, I don't know that there's ever going to
21 be any rehabilitation of Ronald Baker. Thank you.

22 THE COURT: Mr. Baker, is there anything you
23 would like to say to the Court before the Court imposes sentence?

24 RONALD BAKER: No, Your Honor.

25 THE COURT: All right, Mr. Baker, in this case, I

1 have considered your age, the information about you that is in the
2 pre-sentence investigation report, the information about you that
3 has been related here this afternoon, as well as, the evidence of the
4 circumstances of the offenses. The facts as to your personal
5 background and circumstances are found to be as set forth in the
6 pre-sentence report and are apparently not in dispute. The facts
7 of the offenses have been admitted.

8 In addition, I have considered your prior criminal
9 record, your personal characteristics, your potential for
10 rehabilitation, and all the available alternatives to total
11 confinement, including any factors weighing in favor of probation
12 of partial confinement. After considering all these factors, I find
13 that there is an undue risk that during any period of probation or
14 partial confinement, you will commit another crime, that you are
15 in need of correctional treatment and rehabilitation that can best
16 be provided by your commitment to an institution and that a lesser
17 sentence would depreciate the seriousness of your crimes. I,
18 therefore, find that a sentence of total confinement is proper.

19 Accordingly, the Court would enter the following
20 Order:

21 AND NOW, today's date, (18 August 1997), on the
22 first count of aggravated assault by motor vehicle while driving
23 under the influence of alcohol, the Defendant is sentenced to pay
24 the costs, to pay all mandatory and discretionary charges, to make
25 restitution of eighty-three thousand, eight hundred ninety-four

1 dollars and thirty-five cents, and to undergo imprisonment for a
2 period of not less than thirty months nor more than one hundred
3 and twenty months.

4 On the second count of aggravated assault by motor
5 vehicle while driving under the influence of alcohol, the Defendant
6 is sentenced to make restitution of eighteen thousand, three
7 hundred and forty-seven dollars and sixty-two cents, and to
8 undergo imprisonment for a period of not less than thirty months,
9 nor more than one hundred and twenty months.

10 On the first count of aggravated - strike that, - of
11 accident involving injury by unlicensed operator, the Defendant is
12 sentenced to undergo imprisonment for a period of not less than
13 fifteen months nor more than thirty months.

14 On the second count of accident involving injury by
15 unlicensed operator, the Defendant is sentenced to undergo
16 imprisonment for not less than fifteen months, nor more than
17 thirty months. These sentences shall run consecutively with each
18 other.

19 It is the intention of the Court hereby that the
20 Defendant's total period of confinement shall be not less than
21 seven and one half years, nor more than twenty-five years, and he
22 shall stand committed in a state correctional institution until the
23 said sentence is served in full. No further sentence is imposed for
24 the other charges the Defendant pleaded guilty to as they all merge
25 for sentencing purposes with one or more of the foregoing charges.

1
2 **The Court hereby grants the Commonwealth's motion**
3 **and dismisses any remaining charges filed against the Defendant**
4 **in these matters. That would conclude the Court's order.**

5 **The Court believes that the sentence imposed is**
6 **consistent with the protection needs of the public, the gravity of**
7 **these offenses as they relate to the impact on the life of the victims**
8 **and on the community, and the rehabilitative needs of the**
9 **Defendant.**

10 **The sentence falls above and outside of even the**
11 **aggravated range of the sentencing guidelines for the reasons**
12 **already stated on the record.**

13 **In addition, as has been related here extensively by the**
14 **Commonwealth, which I won't repeat all of which has been**
15 **indicated, most of which is accurate, but I would indicate as the**
16 **pre-sentence investigation report does, that Mr. Baker is certainly**
17 **not a stranger to the criminal justice system. He has been**
18 **consistently involved with the criminal courts since 1981. The**
19 **majority of his prior offenses are assaultive in nature.**
20 **Furthermore, he has a very poor driving history, and he is an**
21 **individual that has no business driving at all, having apparently**
22 **never - never had - having a valid drivers license. He has a**
23 **lengthy history of drug and alcohol abuse. He was unresponsive**
24 **previously when he was sentenced to probation supervision by the**
25 **Courts'. He was unresponsive to earlier parole supervision when**

1 he was sentenced by the Court and then released on parole. Prior
2 orders of probation, parole and work release have all been
3 violated, and the last sentence he received was a two and a half to
4 five year sentence of incarceration, and even that, apparently had
5 no effect on this Defendant.

6 The sentence imposed also is, as it is, in order to
7 comply with the plea agreement, it does comply with the plea
8 agreement and the recommendation of the Bradford County
9 Probation Office.

10 Ms. Hartley, have you completed a post-sentence
11 rights advisory form with your client?

12 MS. HARTLEY: Yes, I have, Your Honor.

13 THE COURT: Would you present that to the Court,
14 please?

15 *(Rights Advisory Form presented)*

16 THE COURT: Mr. Baker, are these your initials on
17 this form?

18 RONALD BAKER: Yes, Your Honor.

19 THE COURT: Is this your signature on the form?

20 RONALD BAKER: Yes, Your Honor.

21 THE COURT: Do you understand everything that's
22 on here?

23 RONALD BAKER: Yes, Your Honor.

24 THE COURT: In addition to what's on that form, Mr.
25 Baker, I must advise you that you can still appeal to a higher court

1 even if you do not first file a post-sentence motion with this Court,
2 but you do have the right to file such a motion with this Court if
3 you choose to do so. Do you understand that?

4 RONALD BAKER: Yes, Your Honor.

5 THE COURT: If you do file such a motion with this
6 Court, it must be in writing, it must state with specificity and
7 particularity the relief that you are requesting, including any
8 motion to withdraw or challenge the validity of your plea of guilty.
9 Do you understand that?

10 RONALD BAKER: Yes, Your Honor.

11 THE COURT: I must make a decision on the motion
12 within one hundred and twenty days of its filing unless that
13 deadline is extended for good cause on your request, for a
14 maximum of thirty additional days. Do you understand that?

15 RONALD BAKER: Yes, Your Honor.

16 THE COURT: If I do not make a decision on the
17 motion within that time period, the motion will automatically be
18 deemed to be denied and your sole remedy will then be in
19 appealing to a higher court. Do you understand that?

20 RONALD BAKER: Yes, Your Honor.

21 THE COURT: In addition, I must inform you that you
22 do have the right to file an appeal to the Superior Court on any one
23 or more of the following grounds. First, you must appeal, you may
24 appeal on the ground that your guilty plea was unlawfully induced
25 and that it was not voluntarily and understandingly made by you.

1 And if the Superior Court should rule favorably on that appeal,
2 the sentence and guilty plea would be set aside and you would be
3 granted a new trial.

4 Second, you could appeal on the ground that your
5 sentence is illegal. In which case the Superior Court agreed, you
6 would be re-sentenced or sentenced again.

7 Third, you could appeal on the ground that this Court
8 did not have jurisdiction. In which case the Superior Court
9 agreed, you would be discharged and the charges dismissed.

10 And finally, you could appeal based on the alleged
11 ineffectiveness of the attorney who represents you.

12 Do you understand these things?

13 RONALD BAKER: Yes, Your Honor.

14 THE COURT: It is not necessary that issues raised on
15 appeal be first raised in a post-sentence motion, so long as they
16 were previously raised and properly preserved by you or your
17 attorney in this Court. Do you understand that?

18 RONALD BAKER: Yes, Your Honor.

19 THE COURT: However, you can challenge the
20 legality of your sentence and the jurisdiction of this Court on
21 appeal, even if you have not, or do not, first raise them in this
22 Court. Do you understand that?

23 RONALD BAKER: Yes, Your Honor.

24 THE COURT: If you are indigent, you can file a post-
25 sentence motion and an appeal without payment of costs. Do you

1 understand that?

2 RONALD BAKER: Yes, Your Honor.

3 THE COURT: Do you have any questions?

4 RONALD BAKER: No, Your Honor.

5 THE COURT: Mr. Baker, I'm not going to say
6 anything more except to say that - I don't know if you've read the
7 victim impact statements in these cases. Have you?

8 RONALD BAKER: No, Your Honor.

9 THE COURT: I'm not sure that a person of your
10 character and attitude will get anything out of them or that they'll
11 mean anything to you or not, but I'm going to ask you to read
12 those victim impact statements before you leave today, so that you
13 have some, perhaps, somehow, someway, you'll get some
14 appreciation of what effect you've had on other peoples' lives.

15 RONALD BAKER: I know what effect I had. No
16 matter what Mr. McGuinness says, I'm not the kind of guy who
17 goes around hurting little kids. I really feel bad about hurting the
18 kids, but it was an accident, there's nothing I can do about it now,
19 no matter what I do, I can't change what happened that day. He
20 can sit there and paint all the pictures he wants, but -

21 THE COURT: You've had many opportunities to
22 change before this happened, Mr. Baker. You didn't avail
23 yourself of those opportunities. All I'm asking, all I'm insisting on,
24 is that - you read the pre-sentence - the victims impact statements
25 before you depart today.

1 MR. McGUINNESS: For the record, Judge, Mr.
2 Baker, you painted the picture.

3 RONALD BAKER: No, you painted it.

4 THE COURT: Anything else, counsel?

5 MS. HARTLEY: Judge, is it my understanding that
6 you are not requiring a CRN in this instance then?

7 THE COURT: I do not deem it necessary for there to
8 be a CRN evaluation completed before today's sentencing because
9 that DUI offense merged into the other offenses, so I don't believe
10 I'm violating the law by going forward with sentencing, even
11 without that CRN.

12 MS. HARTLEY: I just wanted that to be clear on the
13 record.

14 THE COURT: I, however, do think that the CRN
15 should be completed.

16 MS. HARTLEY: You do want a CRN then, okay.
17 Probation will set that up.

18 PROBATION OFFICER: No, that will be arranged at
19 the jail.

20 MS. HARTLEY: Okay.

21 THE COURT: Anything else?

22 MS. HARTLEY: No, Your Honor.

23 *(Plea proceeding concluded, August 18, 1997)*

24

25

STENOGRAPHER'S CERTIFICATE

I hereby certify that the proceedings and evidence, upon the hearing of the above and foregoing cause, have been transcribed by me to the best of my ability and that this transcript is a correct copy of the same.


Julie L. Lundquist

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF BRADFORD

IN RE: 08CR000716 COMMONWEALTH OF PA VS RONALD BAKER

I, DAWN CLOSE, BEING THE PROTHONOTARY AND CLERK OF COURTS
OF BRADFORD COUNTY, COURT OF COMMON PLEAS DO HEREBY
CERTIFY THAT THE ATTACHED DOCUMENTS, BEING DOCUMENTS OF RECORD
IN THE COURT, ARE TRUE AND CORRECT COPIES OF THE DOCUMENTS FILED
OF RECORD IN THIS MATTER.



PROTHONOTARY/CLERK OF COURTS

DATED: 1/4/2017



Superior Court of Pennsylvania

David A. Szewczak, Esq.
Prothonotary
Patricia A. Whittaker
Chief Clerk

Middle District
August 17, 2001

Eastern Building, 200 N. Third Street, 9th Floor
Harrisburg, PA 17101
717-772-1294
www.superior.court.state.pa.us

Certificate of Remittal/Remand of Record

TO: Ms. Cheryl Wood-Walter
Prothonotary

RE: Com. v. Baker, R.
No.379 MDA 2001

Trial Court/Agency Dkt. Number: 88CR0003291
Trial Court/Agency Dkt. Number: 88CR000374
Trial Court/Agency Dkt. Number: 91CR000386
Trial Court/Agency Dkt. Number: 92CR000230
Trial Court/Agency Dkt. Number: 96cr000716

Trial Court/Agency Name: Bradford County Court of Common Pleas
Intermediate Appellate Court Number:

2001 OCT - 11 D 1:56

Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572 is the entire record for the above matter.

Contents of Original Record:

Parts	Original Record Item	Filed Date	Description
Transcripts		May 2, 2001	5
		May 2, 2001	1
Date of Remand of Record:		OCT - 3 2001	

Enclosed is an additional copy of the certificate. Please acknowledge receipt by signing, dating, and returning the enclosed copy to the Prothonotary Office or the Chief Clerk's office.

Patricia A. Whittaker
Chief Clerk

Margaret L. Lee
Printed Name

Oct. 9 2001
Date

J.S51029/01

2001 PA Super 240

COMMONWEALTH OF PENNSYLVANIA, : IN THE SUPERIOR COURT OF
Appellee : PENNSYLVANIA

v. :

RONALD JAMES BAKER, :
Appellant : No. 379 MDA 2001

Appeal from the Order Entered February 5, 2001
In the Court of Common Pleas of Bradford County
Criminal, Nos. 86CR0003291, 88CR000374,
91CR000386, 92CR000230, 96CR000716

BEFORE: CAVANAUGH, JOHNSON and HESTER, JJ. ... - - - - -

FILED AUG 17 2001

OPINION BY CAVANAUGH, J:

¶ 1 Acting *in propria persona*, Ronald J. Baker has appealed from an order of the Bradford County court which refused to enter an order to stay the collection of money from his inmate account pursuant to statutory authority. The proceeding instituted by Baker is a civil action which should be pursued in the Commonwealth Court. *See Sweatt v. Department of Corrections*, 769 A.2d 574 (Pa. Cmwlth. 2001). Nevertheless, in the interest of institutional comity and system-wide efficiency, we accept the appeal for disposition. Pa.R.A.P. 741.

¶ 2 There is no evidentiary record in the present matter and we rely on statements in appellant's brief and the criminal court record which accompanied this appeal.

¶ 3 Baker is incarcerated in the state correctional system as the result of a sentence on a guilty plea. He was sentenced on August 18, 1997, and is presently an inmate at the facility at Houtzdale, Pa. As part of his sentence,

J.S51029/01

he was directed to pay costs and restitution. Pursuant thereto, deductions are being made from his inmate account. Baker sought in the trial court to have the order for payment from his account vacated. This was denied and we now have his appeal. Baker's argument is straightforward. He claims that the statutory authority for deduction from his inmate personal account applies to inmates transferred to a state institution after October 18, 1998, and that, he, having been in state custody since 1997, is not subject to the deduction system. We disagree.

¶ 4 The authority for collection of restitution, costs, fines and penalties, is found in 42 Pa.C.S.A. §9728. The provision enacted June 18, 1998, became effective October 18, 1998, and contains nothing which would limit its application to offenders who only came into a Department of Corrections institution after the effective date of the provision. The legislature has enacted in §9728 a comprehensive provision for the collection of inmate obligations, and we can conceive of no reason why it should be applicable only to offenders prospectively. In reviewing the statute, we find no such limitation.

¶ 5 Rather, it appears that appellant has incorrectly "borrowed" the reach of the applicable provision from another part of the legislative enactment. In 42 Pa.C.S.A. §9764, the legislature provided for a detailed plan of interchange of offender information upon transfer of offenders into the custody of the Department of Corrections, as well as exchange of

J.S51029/01

Information when there is a transfer from the Department of Corrections to a county correctional facility. This law, which included direction to the Department of Corrections and the Pennsylvania Board of Probation and Parole to develop implementing procedures, was by its terms, limited to offenders transferred and released only after October 18, 1998. 42 Pa.C.S.A. §9764(l). It can readily be seen that this provision of the Act of June 18, 1998, P.L. 640 No. 84, which mandated new requirements of record keeping and transmittal of information and is applicable to both county and commonwealth correctional facilities, may reasonably only be mandated prospectively.

¶ 6 We reject appellant's argument that deductions from his account are being made without statutory authority.

¶ 7 Order affirmed.

Judgment Entered.

Promonotary

Date: **AUG 17 2011**

PAGE 0001

RUN DATE: 20-AUG-97
 RUN TIME: 2:29 PM

C O S T B I L L

96CR000716 FILE 12/11/96
 DOCKET PAGE

BRADFORD COUNTY
 TOWANDA, PA
 TERM, A.D. 1997

COMMONWEALTH OF PA

** VS **

RONALD JAMES BAKER
 515 SECOND ST. (BRADFORD CO. JAIL)
 TOWANDA, PA 18848

FEE CODE	DATE	FEE DESCRIPTION	ADCT	RECORD CHARGE	FEE AMOUNT
-------------	------	--------------------	------	------------------	---------------

***** C L E R K F E E S *****

0	2/03/97	NO FEE CHARGES		.00	.00
0	2/07/97	NO FEE CHARGES		.00	.00
0	4/04/97	NO FEE CHARGES		.00	.00
0	6/06/97	NO FEE CHARGES		.00	.00
1	3/19/97	5 DEFENSE	CO	.00	10.00
1	4/09/97	PRAECIPE FOR SUBPOENA DEFENSE		.00	2.00
1	4/30/97	3 COMM. COMM.	CO	.00	6.00
1	5/01/97	PRAECIPE FOR SUBPOENA COMM.		.00	2.00
1	6/03/97	PRAECIPE FOR SUBPOENA COMM.		.00	2.00
1	6/03/97	COMM. COMM.	CO	.00	6.00
65	12/11/96	CLERK'S FEE - CRIM TRANSCRIPT		.00	75.00
TOTAL =				.00	103.00

***** S H E R I F F F E E S *****

* NONE *

***** O T H E R F E E S *****

65	12/11/96	PROBATION TRAINING FEES	PT	0.00	5.00
65	12/11/96	DJ COSTS	CC	0.00	19.14
65	12/11/96	STATE COSTS	SL	0.00	8.74
65	12/11/96	STATE PORTION	SE	0.00	3.12

RUN DATE: 20-AUG-97
 RUN TIME: 2:29 PM

LOST BILL

PAID 0000

96CRO00716

FILED 12/11/96

BRADFORD COUNTY
 TOWANDA, PA
 TERM, A.D. 1997

DOCKET PAGE

82	12/12/96	VICTIMS CRIME FEE	VL	0.00	15.00
82	12/12/96	CRIME COMMISSION COST	CR	0.00	15.00
82	12/12/96	(ON CC CHARGES ONLY)	DV	0.00	<i>0.00</i>
				-----	-----
TOTAL				0.00	86.00

***** W I T N E S S F E E S *****

* NONE *

***** D E P O S I T S (OPEN ITEMS) *****

* NONE *

***** S U M M A R Y *****

FEE	AMOUNT
CLERK FEES	103.00
SHERIFF FEES	.00
OTHER FEES	86.00
WITNESS FEES	.00

* SUBTOTAL	189.00

VC 3743
Acc Drif. Fee
 30 -
 10 -
 30 - VC
 70 -

VC 3742
Acc Drif. Fee
 30 -
 10 -
 30 - VC
 70 -

RECORD CHARGES 0.00

*** TOTAL*
VC 3743
 189.00
 - 10.00
 179.00
 5.00
 184.00
 14.25
 198.25
 20.00
 10.00
 218.25

VC 3742
Acc Drif. Fee
 30 -
 10 -
 30 - VC
 70.00

102,242.57

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 379 MDA 2001

Page 1 of 3

March 13, 2001



Commonwealth of Pennsylvania

v.

Ronald James Baker, Appellant

Initiating Document: Notice of Appeal IFP

Case Status: Active

Case Processing Status: March 5, 2001

Awaiting Original Record

Journal Number:

Case Category: Criminal

CaseType:

Consolidated Docket Nos.:

Related Docket Nos.:

SCHEDULED EVENT

Next Event Type: Docketing Statement Received

Next Event Due Date: March 27, 2001

Next Event Type: Original Record Received

Next Event Due Date: April 11, 2001

3:41 P.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 379 MDA 2001

Page 2 of 3

March 13, 2001

COUNSEL INFORMATION

Appellant: Baker, Ronald James
 Pro Se: Appoint Counsel Status:
 IFP Status: Yes
 Appellant Attorney Information:
 Attorney: Baker, Ronald James
 Bar No.: Law Firm:
 Address: DC-6930
 PO Box 1000
 Houtzdale, PA 16898-1000
 Phone No.: Fax No.:
 Receive Mail: Yes
 E-Mail Address:
 Receive E-Mail: No

96CR 716 ✓
 86CR 3291
 88CR 374
 91CR 386
 92CR 230

Appellee: Commonwealth of Pennsylvania
 Pro Se: Appoint Counsel Status:
 IFP Status:

Appellee Attorney Information:
 Attorney: Downs, Stephen G.
 Bar No.: 26541 Law Firm: Bradford County District Attorney's Office
 Address: District Attorney's Office
 Bradford County Courthouse
 Towanda, PA 16848
 Phone No.: (570)265-1712 Fax No.: (570)265-1731
 Receive Mail: Yes
 E-Mail Address:
 Receive E-Mail: No

BRADFORD COUNTY
 PROSECUTOR
 &
 CLERK OF COURTS
 MAR 15 P 2:51

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
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TRIAL COURT AGENCY INFORMATION

Court Order: Bradford County Court of Common Pleas
 County: Bradford
 Date of Order Appointed From: February 5, 2001
 Date Document Received: March 5, 2001
 Order Type: Order Entered

Division: Criminal
 Judicial District: 42
 Date Notice of Appeal Filed: March 2, 2001
 OTN:

Appeal Docket Sheet**Docket Number:** 379 MDA 2001**Superior Court of Pennsylvania****Page 3 of 3****March 13, 2001****Judge:** Smith, Jeffrey A.
President Judge**Lower Court Docket No.:** 86CR0003291
88CR000374
91CR000386
92CR000230
96cr000716**ORIGINAL RECORD CONTENTS**

Original Record Item	Filed Date	Content/Description
----------------------	------------	---------------------

Date of Remand of Record:**BRIEFS****DOCKET ENTRIES**

Filed Date	Docket Entry/Document Name	Party Type	Filed By
March 5, 2001	Notice of Appeal IFP	Appellant	Baker, Ronald James
March 13, 2001	Docketing Statement Filed (Criminal)		Middle District Filing Office

10/08/97
1445SUPERIOR COURT OF PENNSYLVANIA
OFFICIAL DOCKET

DOCKET # 00906HBG97

FULL CAPTION

999E COMMONWEALTH OF PENNSYLVANIA
V

001T RONALD JAMES BAKER

COUNSEL

TITLE FOR MAIL

40402 SUSAN E HARTLEY
320 SOUTH MAIN STREET
P.O. BOX 278
ATHENS, PA 18810

001T Y

717-888-9607

39256 ROBERT B MCGUINNESS
14 BRIDGE STREET
TOWANDA, PA 18848

DA 999E Y

717-265-5892

CONSOLIDATED DOCKET NUMBER

RECORD FILED IN SUPERIOR COURT

BACKGROUND DATA

TRIAL COURT RECORDS

CATEGORY:	CR
COURT NAME:	CRIMINAL
COUNTY:	BRADFORD
JUDICIAL DISTRICT:	42
CASE TYPE/CHARGE:	AGGRAVATED ASSAULT
TRIAL COURT CHARGES:	
JUDGE(S):	MOTT, J
DISPOSITION TYPE:	JUDGMENT OF SENTENCE
DISPOSITION DATE:	08/18/97
APPEAL FILE DATE:	09/18/97
DISPOSITION ENTERED:	08/20/97
TRIAL CRT DOCKET NO.:	98 CR 000716
OFFENSE TRACKING NO.:	E6909231

NOV 14 1997

HARRISBURG

STATUS INFORMATION

10/22/97 DOCKETING STATEMENT DUE
10/28/97 LOWER COURT RECORD DUE

DOCKET ENTRIES

10/08/97 NOTICE OF APPEAL IFP
10/08/97 DOCKETING STATEMENT EXITEDFOR
001T
001T

T-APPELLANT E-APPELLEE *-COURT APPOINTED

(1) part
(1) transcript(s)

#1

Superior Court of Pennsylvania
Office of the Prothonotary
Fulton Building
9TH Floor
200 North Third Street
Harrisburg, Pennsylvania 17101
(717) 772-1294

October 8, 1997

Notice of Appeal Docketing
Superior Court Docket No. Assigned
00906HBG97

CLERK OF COURTS
Bradford COUNTY
Bradford County Courthouse
Towanda, Pa 18848

RE: Commonwealth V Baker, R

You are hereby advised that the attached docket information has been entered into the superior court records in a case in which you appear as an officer of the court. Please review this information carefully and notify this office immediately if you believe correction(s) are in order. Thank you.

David A. Szewczak
Prothonotary

CERTIFICATE AND TRANSMITTAL OF RECORD
PENNSYLVANIA RULE OF APPELLATE PROCEDURE 1931(c)

TO THE PROTHONOTARY OF THE SUPERIOR COURT OF PENNSYLVANIA:

THE UNDERSIGNED, CLERK OF COURTS of the Court of Common Pleas of Bradford County, Pennsylvania, the said Court being a Court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an Opinion of Court, as required by Pa. R.A.P. 1925, the original papers, exhibits, the transcript of the proceedings, and the docket entries in the following matter:

RE: COMMONWEALTH OF PA

VS.

96CR000716
00906HBG97

RONALD JAMES BAKER

in compliance with Pa. R.A.P. 1931(c).

The documents comprising the record have been numbered from Number 1 through Number 43, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness.

The date on which the record has been transmitted to the Appellate Court is NOVEMBER 6, 1997.

CHERYL C. WOOD-WALTER,
PROTHONOTARY AND CLERK OF COURT

BY:

Virginia Schultz
CRIMINAL DIVISION

(SEAL)

11/06/97

Commonwealth

In the Court of Common Pleas of
Bradford County, Pa.

vs

96CR000716

Ronald James Baker

Sup. Ct. # 00906hbg97

	<u>Pages</u>
1. Superior Court Docket Sheet	1
2. Certificate of Transmittal	1
2A. List of Docket Entries	1
3. Certified Copy of Docket Sheet	5
4. Order of Aug. 18, 1997	2
5. Statement of the Court	2
6. Criminal Transcript & Notice of Arraignment	22
7. Informations	5
8. Requests for Bill of Particulars	7
9. Praecipe for Entry of Appearance by A. Agnellino	1
10. Motion for Pre-Trial Discovery and Inspection	12
11. Answer to Informal Request for Pre-Trial Discovery & Inspection	1
12. Bill of Particulars	2
13. Notice of Plea Hearing, Feb. 6, 1997	1
14. Order of Feb. 6, 1997, place on trial list	1
15. Notice of Hearing April 1, 1997 for Trial	1
16. Omnibus Pre-Trial Motion	20
17. Motion for Hearing on Omnibus Motion and Order of Feb. 13, 1997	1
18. Motion for Transcript of Preliminary Hearing	2
19. Order of Feb. 18, 1997 for Transcript	1
20. Certificate of Service of Omnibus Motion and Order	1
21. Praecipe to File Verification	2
22. Motion for Transcript and Order of March 13, 1997	1
23. Petition to Withdraw Appearance and Order of March 25, 1997 for hearing April 9, 1997	6
24. Order of April 1, 1997, trial continued	1
25. Certificate of Service of Petition to Withdraw and Rule	1
26. Notice of Pre-Trial and Trial	2
27. Commonwealth's Motion for Discovery from Defendant and Order of April 4, 1997 for hearing.	3
28. Notice of Omnibus Pre-Trial	2
29. Order of April 9, 1997, Hearing on Withdrawal	1
30. Order of April 16, 1997, continues hearing	1
31. Order of April 30, 1997, allowing withdrawal of counsel	1
32. Order of May 12, 1997 appoints T. Hinckley for Deft.	1
33. Steno. Notes of Testimony, Dec. 10, 1996, Preliminary Hearing (Missing)	
34. Motion for Continuance of of Omnibus Pre-Trial Hearing and Order of May 28, 1997.	3
35. Order of June 3, 1997, continues trial	1
36. Notice of Pre-Trial and Trial	2
37. Supplemental Omnibus Pre-Trial Motion (missing)	
38. Order of June 30, 1997 Plea Order	2

*2A

Commonwealth

In the Court of Common Pleas of
Bradford County, Pa.

vs

96CR000716

Ronald James Baker

Sup. Ct. # 00906hbg97

	<u>Pages</u>
39. Judgment	3
40. Notice of Appeal to Superior Court	9
41. Order of September 18, 1997 for Concise Statement	1
42. Lodging of Testimony of Sentencing	1
43. Concise Statement	3
44. Steno. Notes of Testimony, August 18, 1997	20
45. Exhibits	

STYLE: RONALD JAMES BAKER
 ACTION: CRIMINAL TRANSCRIPT
 JUDGE : JOHN C. MOTT
 CHARGE: UNINTENTIONAL DEATH W/ DU
 UNINTENTIONAL DEATH W/ DU
 ACC. INV. DEATH/PERS. INJ
 ACC. INV. DEATH/PERS. INJ
 ACC. INV. DEATH/PERS. INJ
 DRIV. UNDER THE INFLUENC
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 DRIVING UNDER SUSPENSION
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 CARELESS DRIVING
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 MEET. VEH. PROC. OPP. DI
 DR. ROADWAYS LANED FOR T
 AGG. ASSLT/INDIFF. HUMAN
 AGG. ASSLT/INDIFF. HUMAN
 AGG. ASSLT/INDIFF. HUMAN
 RECK. ENDANG. ANOTHER
 RECK. ENDANG. ANOTHER
 RECK. ENDANG. ANOTHER
 SIMPLE ASSAULT

QTN: E690923-1
 BAIL: \$150,000.00
 DATE/ARRST: 10/15/96
 JUDGE DATE: 8/21/97
 AMOUNT: 102,676.57
 APPEAL: 9/16/97

AFFIANT: PA. STATE POL-SREDENSCHER
 DIST JUST: JAMES POWELL
 SID: 142-81-28-2
 JUDGE TYPE: "ACT 1996-3"
 INTEREST: 8/21/97
 SUP CT #: 00906HBG97

C 001
 COMMONWEALTH OF PA

ATTORNEY(S):
 DISTRICT ATTORNEY
 COURT HOUSE
 TOWANDA, PA. 18848

** VS **

D 001
 RONALD JAMES BAKER
 515 SECOND ST.
 TOWANDA, PA 18848
 DOB: 1/23/61
 SEX: MALE
 LIC NUMBER: PA. 60032700
 SSN: 140-52-0621

ATTORNEY(S):
 SUSAN HARTLEY
 PO BOX 278
 ATHENS, PA. 18810

(SCI, CAMP HILL DG 5930)

CHARTERED from the record file

By John C. Mott 10/15/96
John C. Mott
 Judge & Clerk of Court
 Berks County, Penna.

BRADFORD COUNTY, PENNSYLVANIA
DOCKET SHEET

STYLE: RONALD JAMES BAKER
ACTION: CRIMINAL TRANSCRIPT
JUDGE : JOHN C. MOTT

CASE NO. 95-000071A

FILED: 12/11/96

DATE TYPE DESCRIPTION

12/11/96 NOTICE NOTICE OF ARRAIGNMENT FOR
(MGD)
EXTRA DATE : 1/09/97

1/03/97 INFORMATNS COMMONWEALTH'S INFORMATIONS FILED.
(MGD)

1/09/97 ARRAIGN DEFENDANT APPEARED FOR ARRAIGNMENT WITH COUNSEL AND ENTERED
A PLEA OF NOT GUILTY
(CW)

1/09/97 APPEARANCE PRAECIPE FOR ENTRY OF APPEARANCE ON BEHALF OF DEFENDANT
FILED.
(CW)
ATTORNEY(S) : ARTHUR D AGNELINO

1/15/97 REQUEST REQUEST FOR BILL OF PARTICULARS FILED BY THE DEFENDANT.

1/21/97 MOTION MOTION FOR PRETRIAL DISCOVERY AND INSPECTION FILED BY
ATTORNEY FOR DEFENDANT. JC:AA (MGD)

1/27/97 ANSWER ANSWER TO REQUEST FOR PRE-TRIAL DISCOVERY AND INSPECTION,
FILED BY COMMONWEALTH.
(MGD)

1/27/97 BILL BILL OF PARTICULARS FILED BY THE COMMONWEALTH
(MGD)

2/03/97 NOTICE NOTICE OF HEARING
SCHEDULED FOR 02/06/97 AT 9:40 AM - PLEA

2/06/97 ORDER ORDER OF FEBRUARY 6, 1997 HAVING COME FOR A PLEA HEARING
AAND THE DEFENDANT HAVING NOT ENTERED A PLEA, THE MATTER IS
TO BE SCHEDULED FOR CRIMINAL TRIAL LIST. (JCM)(HC)2/10/97
C:DA,DEF,ATTY

2/07/97 NOTICE NOTICE OF HEARING
SCHEDULED FOR 04/01/97 AT 8:33 AM - CRIMINAL PRE TRIAL CONF

2/07/97 MOTION OMNIBUS PRE-TRIAL MOTION FILED BY ATTORNEY FOR DEFENDANT.
C:AA (MGD)

PROCEEDINGS: CRIMINAL, PRELIMINARY HEARING
 COURT: DISTRICT COURT

STYLE: RONALD JAMES BAKER
 ACTION: CRIMINAL TRANSCRIPT
 JUDGE: JOHN C. MOTT

FILED: 11/21/97

FILED: 11/21/97

2/13/97 MOTION MOTION FOR HEARING TOGETHER WITH ORDER OF COURT FILED DATED
 FEBRUARY 13, 1997 SETTING HEARING FOR APRIL 11, 1997 AT
 1:00 P.M. 2C:AA (JCM)(MGD)(2/13/97)

2/14/97 MOTION MOTION FOR TRANSCRIPT OF PRELIMINARY HEARING FILED BY
 ATTORNEY FOR DEFENDANT.

2/18/97 ORDER ORDER OF COURT FILED DATED FEBRUARY 18, 1997 DIRECTING
 TRANSCRIPT BE MADE OF PRELIMINARY HEARING HELD DECEMBER 10,
 1996. 2C:AA (JCM)(MGD)(2/18/97)

2/18/97 SERVICE CERTIFICATE OF SERVICE OF OMNIBUS MOTION AND ORDER UPON
 DISTRICT ATTORNEY FILED BY ATTORNEY FOR DEFENDANT. (MGD)

3/07/97 PRAECIPE PRAECIPE TO FILE VERIFICATION FILED BY ATTORNEY FOR
 DEFENDANT. (MGD)

3/13/97 MOTION MOTION FOR TRANSCRIPT TOGETHER WITH ORDER OF COURT FILED
 DATED MARCH 13, 1997 DIRECTING TRANSCRIPT BE MADE OF
 PRELIMINARY HEARING BY TRACY SHAYLOR. 4C:DA (JCM)(MGD)
 (3/13/97)

3/25/97 PETITION PETITION TO WITHDRAW AS COUNSEL TOGETHER WITH RULE FILED
 DATED MARCH 25, 1997 RETURNABLE APRIL 9, 1997 AT 1:00 P.M.
 2C:AA (JCM)(MGD)(3/26/97)

4/01/97 ORDER ORDER OF APRIL 1, 1997 AFTER CRIMINAL PRE-TRIAL CONFERENCE
 THERE BEING OUTSTANDING OMNIBUS PRE-TRIAL MOTION SCHEDULED
 FOR HEARING ON APRIL 11, 1997 THE TRIAL SCHEDULED FOR APRIL
 7, 1997 IS CONTINUED. TO BE PLACED ON NEXT TRIAL LIST.
 4/3/97C:DA,DEF,AA

4/02/97 SERVICE CERTIFICATE OF SERVICE OF PETITION TO WITHDRAW UPON DISTRICT
 ATTORNEY AND DEFENDANT FILED BY ATTORNEY FOR DEFENDANT.
 (MGD)

4/04/97 NOTICE NOTICE OF HEARING
 SCHEDULED FOR 04/11/97 AT 1:00 PM OMNIBUS PRE TRIAL

4/04/97 MOTION COMMONWEALTH'S MOTION FOR DISCOVERY FROM DEFENDANT TOGETHER
 WITH ORDER OF COURT FILED DATED APRIL 4, 1997 SETTING
 HEARING FOR APRIL 11, 1997 AT 1:00 P.M. 3C:DA (JCM)(MGD)
 (4/4/97)

4/11/97 NOTICE NOTICE OF CONTINUANCE FROM COURT ADMINISTRATOR; CONTINUES
 OMNIBUS PRE-TRIAL TO MAY 21, 1997 AT 1:00 P.M. (MGD)

4/14/97 ORDER ORDER OF APRIL 9, 1997 SET FOR RULE ON PETITION TO WITH-
 DRAW AS COUNSEL, AND THE COMMONWEALTH HAVING INFORMED

PROBATION DEPARTMENT, PROBATION OFFICE
 1000 E. 10TH AVENUE
 DENVER, CO 80202

STYLE: RONALD JAMES BAYER
 ACTION: CRIMINAL TRANSCRIPT
 JUDGE : JOHN C. MOTT

FILE NO. 96CF-00716

FILED: 12/11/96

THE COURT THAT IT OPPOSES THE PETITION, THE PARTIES AS
 DIRECTED TO SCHEDULE THE MATTER FOR HEARING OR ARGUMENT.
 (JCM)(KC)4/16/97C:DA,DEF,AA

4/17/97 ORDER ORDER OF APRIL 16, 1997 THE OMNIBUS PRE-TRIAL SCHEDULED FOR
 MAY 21, 1997 THE COURT CONTINUES SAID HEARING UNTIL FRIDAY
 MAY 30, 1997 AT 8:30 AM. (JCM)(KC)C:DA,DEF,AA

5/01/97 ORDER ORDER OF APRIL 30, 1997 THIS COURT'S ORDER OF APRIL 9, 1997
 IN THE ABOVE IS VACATED. PETITION OF DEFENDANTS COUNSEL TO
 WITHDRAW IS GRANTED AND ARTHUR AGNELINO, ESQ IS WITHDRAWN
 DA,DEF,AA

5/13/97 ORDER ORDER OF COURT FILED, APPOINTING COUNSEL
 ORDER OF MAY 12, 1997 THE PUBLIC DEFENDER HAVING A CONFLICT,
 THE COURT APPOINTS SUSAN HARTLEY, ESQ. FOR THE DEFENDANT.
 5/13/97C:DA,DEF,SH
 ATTORNEY(S) : SUSAN HARTLEY

5/15/97 STENO. STENOGRAPHER'S NOTES OF TESTIMONY FOR PRELIMINARY HEARING
 HELD DECEMBER 10, 1996 FILED. (MGD)

5/29/97 MOTION MOTION FOR CONTINUANCE TOGETHER WITH ORDER OF COURT FILED
 DATED MAY 28, 1997 CONTINUING OMNIBUS PRE-TRIAL HEARING TO
 JULY 2, 1997 AT 9:45 A.M. 2C:SH (JCM)(MGD)(5/29/97)

6/03/97 ORDER ORDER OF JUNE 3, 1997 AFTER PRE-TRIAL CONFERENCE IN THE
 ABOVE AND THERE BE OUTSTANDING OMNIBUS PRE-TRIAL MOTION
 NOT HEARD, THE CRIMINAL TRIAL SCHEDULED IN THE ABOVE FOR
 JUNE 9, 1997 IS CONTINUED. SHALL BE PLACED ON THE NEXT
 AVAILABLE CRIMINAL TRIAL LIST. (JCM)(KC)6/5/97C:DA,DEF,ATTY.
 PROB

6/06/97 NOTICE NOTICE OF HEARING
 SCHEDULED FOR 07/02/97 AT 9:45 AM - OMNIBUS PRE-TRIAL

6/27/97 SUPPLEME. SUPPLEMENTAL OMNIBUS PRE-TRIAL MOTION FILED BY ATTORNEY
 FOR DEFENDANT. 2C:SH (MG)

7/01/97 PLEA ORDER OF JUNE 30, 1997 HAVING ENTERED A GUILTY PLEA TO
 (2) COUNTS OF ACCIDENT INVOLVING DEATH OR INJURY BY
 UNLICENSED OPERATOR, EACH(F_3), (2) COUNTS OF AGGRAVATED
 ASSAULT BY MOTOR VEHICLE WHILE DRIVING UNDER THE INFLUENCE
 EACH(F-2), & DUI (M-2) & DRIVING WHILE SUSPENDED OR REVOKED
 AS A SECOND OR SUBSEQUENT OFFENSE(SUMMARY) AND (2) COUNT OF
 RECKLESSLY ENDANGERING ANOTHER PERSON, EACH (M-2). SENTENCING
 SET FOR AUGUST 18, 1997 AT 1:00 PM. PROBATION TO PREPARE A
 PRE-SENTENCE REPORT AND VICTIM'S IMPACT STATEMENT. SHALL
 UNDERGO CRN BY BRADFORD/SULLIVAN D&A. (JCM)(KC)7/10/97C:DA,

RECEIVED
JUL 11 1997

DOCKETED

PAGE 41

STYLE: RONALD JAMES BAKER
ACTION: CRIMINAL TRANSCRIPT
JUDGE : JOHN C. MOTT

CASE NO. 96-000016

FILED: 12/11/96

DEF.ATTY,PROB,D&A

8/20/97 SENTENCING ORDER OF COURT FILED DATED AUGUST 18, 1997 SENTENCING DEFENDANT AS FOLLOWS: AGG. ASSAULT BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE--PAY COSTS, RESTITUTION OF \$83,894.95 AND UNDERGO IMPRISONMENT FOR 30-120 MONTHS; SECOND COUNT OF AGGRAVATED ASSAULT BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE--PAY RESTITUTION OF \$18,347.62 AND UNDERGO IMPRISONMENT FOR 30-120 MONTHS; ACCIDENT INVOLVING INJURY BY UNLICENSED OPERATOR--UNDERGO IMPRISONMENT THE 15-30 MONTHS; ON SECOND COUNT OF ACCIDENT INVOLVING INJURY BY UNLICENSED OPERATOR--UNDERGO IMPRISONMENT FOR 15-30 MONTHS. SENTENCES TO RUN CONSECUTIVELY TO EACH OTHER AND TO BE SERVED IN A STATE CORRECTIONAL FACILITY. NO FURTHER SENTENCES IMPOSED FOR THE OTHER CHARGES DEFENDANT PLEADED GUILTY TO AS THEY ALL MERGE FOR PURPOSES OF SENTENCING. DISMISS ANY REMAINING CHARGES. C:DEF., DA, PROB., COUNSEL, ST. PD. (JCM)(MGD)(8/20/97)

8/21/97 JUDGMENT JUDGMENT ENTERED BY BRADFORD COUNTY PROBATION DEPT. IN ACCORDANCE WITH ACT 1996-3 FOR FINES, COSTS, RESTITUTION AND FEES. TRANSCRIPT PREPARED AND NOTICE FORWARDED TO DEPT. (9:00 A.M.) DEBT: \$102,676.57 PLUS INTEREST AND COSTS. (JC)

9/16/97 APPEAL NOTICE OF APPEAL OF ORDER ENTERED AUGUST 18, 1997 FILED. C: SUP. CT. (MGD)

9/18/97 ORDER ORDER OF SEPTEMBER 18, 1997 A NOTICE OF APPEAL FILED IN THE ABOVE, THE APPELLANT SHALL FORTHWITH WITHIN 14 DAYS FILED A CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL. (JCM)(KC)DA,DEF,ATTY

10/03/97 STENO. STENOGRAPHER'S NOTES OF TESTIMONY FOR SENTENCING HEARING HELD AUGUST 18, 1997 LODGED. (MGD)

10/03/97 AFFIDAVIT AFFIDAVIT OF JULIE LUNDQUIST FILED. (MGD)

10/07/97 STATEMENT CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL FILED BY ATTORNEY FOR DEFENDANT. 4C:SH (MGD)

10/10/97 NOTICE SUPERIOR COURT DOCKETING STATEMENT FILED. #00906HBG97. (MGD)

10/10/97 STATEMENT STATEMENT PURSUANT TO RULE 1925 (A) OF THE PENNSYLVANIA RULES OF APPELLATE PROCEDURE. (JCM)(KC)C:DA,DEF,SH

10/14/97 STENO. STENOGRAPHER'S NOTES OF TESTIMONY FOR SENTENCING HEARING HELD AUGUST 18, 1997 FILED. (MGD)

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
v. : BRADFORD COUNTY, PENNSYLVANIA
RONALD JAMES BAKER : NO. 96 CR 000 716

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O R D E R

AND NOW, this 18th day of August, 1997, on the first count of Aggravated Assault by Motor Vehicle While Driving Under the Influence of Alcohol, the Defendant is sentenced to pay the costs, to pay all mandatory and discretionary charges, to make restitution of eighty-three thousand eight-hundred and ninety-four dollars and ninety-five cents (\$83,894.95), and to undergo imprisonment for a period of not less than thirty (30) months nor more than one-hundred twenty (120) months. On the second count of Aggravated Assault by Motor Vehicle While Driving Under the Influence of Alcohol, the Defendant is sentenced to make restitution of eighteen-thousand three-hundred and forty-seven dollars and sixty-two cents (\$18,347.62), and to undergo imprisonment for a period of not less than thirty (30) months nor more than one-hundred and twenty (120) months. On the third count of Accident Involving Injury by Unlicensed Operator, the Defendant is sentenced to undergo imprisonment for a period of not less than fifteen (15) months nor more than thirty (30) months. On the second count of Accident Involving Injury by Unlicensed Operator, the Defendant is sentenced to undergo imprisonment for not less than fifteen (15) months nor more than thirty (30) months. These sentences shall run

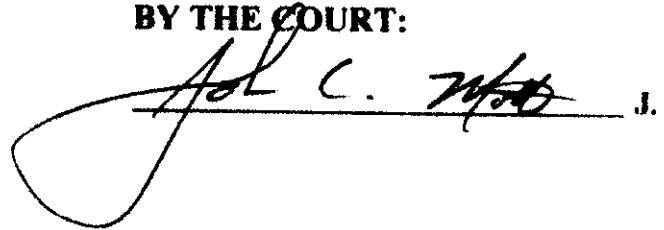
BRADFORD COUNTY
CLERK OF COURT
11/11/97

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consecutively with each other. It is the intention of the Court hereby that the Defendant's total period of confinement shall be not less than seven and one-half (7 ½) years nor more than twenty-five (25) years, and he shall stand committed in a state correctional institution until the said sentence is served in full. No further sentences are imposed for the other charges that the Defendant pleaded guilty to as they all merge for sentencing purposes with one or more of the foregoing charges. The Court hereby grants the Commonwealth's motion and dismisses any remaining charges filed against the Defendant in this matter.

BY THE COURT:

 J.

JCM/jl

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS

vs

: BRADFORD COUNTY, PENNSYLVANIA

RONALD JAMES BAKER

: NO. 96 CR 000716

: : : : : : : : : : : : : :

**STATEMENT PURSUANT TO RULE 1925(a) OF THE PENNSYLVANIA
RULES OF APPELLATE PROCEDURE**

BEFORE: MOTT, J.

The Appellant has filed a statement of matters complained of on appeal in which he asserts that this Court's sentence imposed in the above captioned matter is unduly excessive, unreasonable and constitutes an abuse of discretion. The Court would stand on the reasons set forth on the record of the sentencing hearing conducted on August 18, 1997 in the matter.

We would further note, however, that at the sentencing hearing, the Court was fully informed by a comprehensive pre-sentence investigation report, that the sentence imposed is well within the statutory maximum allowed by the law, and that the sentence imposed is exactly consistent with the plea agreement entered into between the Appellant and the Commonwealth.

Therefore, the sentence should not be disturbed on this appeal.

Date: October 18, 1997


John C. Mott

J.

ts

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For the Appellant

Susan E. Hartley, Esq.

For the Appellee

**Commonwealth of Pennsylvania
Robert B. McGuinness, Esq.
District Attorney**



JAMES O. POWELL

District Justice
District Court # 42-3-03
701 S. Fourth St.
Fourth St. Annex
Towanda, Pa. 18848
717-268-5057

ARRAIGNMENT NOTICE

DISTRICT JUSTICE
DISTRICT COURT 42-3-03
717-268-5057

COMMONWEALTH OF PENNSYLVANIA VS. RONALD BAKER

YOU MUST APPEAR IN THE BRADFORD COUNTY COURTHOUSE ON JANUARY 9, 1997
AT 8:30AM IN COURTROOM NO. 2 FOR ARRAIGNMENT.

AT THAT TIME YOU WILL BE ADVISED AS TO THE CHARGES PENDING AGAINST YOU.
IF YOU SO DESIRE, YOU MAY ENTER A PLEA TO THE CHARGES AT THE TIME OF
ARRAIGNMENT.

IF YOU DO NOT APPEAR, A BENCH WARRANT WILL BE ISSUED, YOU WILL THEN BE
ARRESTED AGAIN AND SENT TO JAIL!!!

CONTACT YOUR ATTORNEY IMMEDIATELY. IF YOU CANNOT AFFORD A PRIVATE
ATTORNEY, CONTACT THE OFFICE OF THE PUBLIC DEFENDER AT THE COURTHOUSE,
(717)268-4713.

ACKNOWLEDGED BY: Ronald Baker DATE: 12/10/96
SIGNATURE OF DEFENDANT

SIGNED BY THE DISTRICT JUDGE IN THE PRESENCE OF AND A COPY DELIVERED TO THE
DEFENDANT BY [Signature] DATE: 12/10/96
SIGNATURE OF DISTRICT JUDGE

IF YOU ARE CHARGED WITH D.U.I. AND ARE APPLYING FOR THE A.R.D. PROGRAM,
YOU ARE REQUIRED TO UNDERGO A C.R.N. EVALUATION. YOU ARE DIRECTED TO APPEAR
FOR THIS EVALUATION ON

AT _____, AT
HARRIS, BROWN ASSOCIATES, 5 LONGWOOD ST., TOWANDA, PA
BRADFORD COUNTY DRUG & ALCOHOL, 419 S. MAIN ST., ATHENS, PA

IF YOU ARE FOUND GUILTY OR PLEAD GUILTY, YOU WILL ALSO HAVE TO UNDERGO AN
EVALUATION. IF YOU WISH TO UNDERGO AN EVALUATION NOW, YOU SHOULD APPEAR AT
THE ABOVE TIME AND PLACE.

B.A.C. _____ DEFENDANT'S PHONE NO. _____

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1. Docket Number of Final Issuing Authority CR-0000247-96		2. Case Name (Last Name First) BAKER, RONALD JAMES		3. State Identification Number JTN E 690923-2																																											
4. Final Issuing Authority/No. to be completed by Final Issuing Authority JAMES O. POWELL				5. Transferred from Initial Issuing Authority 42 3 03																																											
6. Name and Address (Last Name First) BAKER, RONALD JAMES 515 2ND STREET TOWANDA, PA 18848				7. Date of Transfer CR-0000247-96																																											
8. Name and Address (Last Name First) JEFFREY P. SREDENSCHIEK PA STATE POLICE - TOWANDA RD 1 TOWANDA, PA 18848				9. Affiant Who Signed Complaint Name and Address																																											
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13. Operator License Number 60032700		14. State PA		15. ORS PAPSP8500																																											
16. Date of Arrest 10 15 96		17. Date Complaint Filed or Citation Issued or Filed 10 15 96		18. Date of Preliminary Hearing 10 15 96 7:40 P																																											
19. Date of Preliminary Hearing 12 10 96		20. Summons 10 15 96		21. Warrant 10 15 96																																											
22. Summons Returned 10 15 96		23. Preliminary Arrangement 10 15 96 7:40 P		24. Date Waiver to Court 10 15 96																																											
25. Description of Charges																																															
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Charge</th> <th>Grading</th> <th>Date</th> <th>Section and Subsection</th> <th>Disposition</th> <th>Date Set For Preliminary Hearing</th> </tr> <tr> <td>A AGGRAVATED ASSAULT BY VEHICLE WHILE DUI</td> <td>P2</td> <td>09 29 96</td> <td>VC3735-1</td> <td>HDCT</td> <td>12 10 96</td> </tr> <tr> <td>B AGGRAVATED ASSAULT BY VEHICLE WHILE DUI</td> <td>P2</td> <td>09 29 96</td> <td>VC3735-1</td> <td>HDCT</td> <td>10 25 96</td> </tr> <tr> <td>C AGGRAVATED ASSAULT BY VEHICLE WHILE DUI</td> <td>P2</td> <td>09 29 96</td> <td>VC3735-1</td> <td>DTA</td> <td></td> </tr> <tr> <td>D ACC INVOLVING DEATH/INJURY-NOT PRO</td> <td></td> <td>09 29 96</td> <td>VC3742-1</td> <td>HDCT</td> <td></td> </tr> <tr> <td>E ACC INVOLVING DEATH/INJURY-NOT PRO</td> <td></td> <td>09 29 96</td> <td>VC3742-1</td> <td>HDCT</td> <td></td> </tr> <tr> <td>F ACC INVOLVING DEATH/INJURY-NOT PRO</td> <td></td> <td>09 29 96</td> <td>VC3742-1</td> <td>HDCT</td> <td></td> </tr> </table>						Charge	Grading	Date	Section and Subsection	Disposition	Date Set For Preliminary Hearing	A AGGRAVATED ASSAULT BY VEHICLE WHILE DUI	P2	09 29 96	VC3735-1	HDCT	12 10 96	B AGGRAVATED ASSAULT BY VEHICLE WHILE DUI	P2	09 29 96	VC3735-1	HDCT	10 25 96	C AGGRAVATED ASSAULT BY VEHICLE WHILE DUI	P2	09 29 96	VC3735-1	DTA		D ACC INVOLVING DEATH/INJURY-NOT PRO		09 29 96	VC3742-1	HDCT		E ACC INVOLVING DEATH/INJURY-NOT PRO		09 29 96	VC3742-1	HDCT		F ACC INVOLVING DEATH/INJURY-NOT PRO		09 29 96	VC3742-1	HDCT	
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F ACC INVOLVING DEATH/INJURY-NOT PRO		09 29 96	VC3742-1	HDCT																																											
34. Advised of His Right to Apply for Assignment of Counsel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		35. Public Defender Requested by the Defendant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		36. Application Provided for Appointment of Public Defender? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																											
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43. Witness Name and Address 43		44. Witness Name and Address 44		45. Witness Name and Address 45																																											
46. Defendant's Name and Address for: 46																																															
47. Defendant AGNELLO, ESQ., ARTHUR D. 515 SOUTH ST, ATHENS, PA 18810		48. Private <input checked="" type="checkbox"/> Private <input type="checkbox"/> Other		49. ID No. 65140																																											
50. Fines 50		51. Costs 51		52. Judgment of Sentence 52																																											
53. Name and Address of Corporate Surety and Agent or Individual Surety-Preliminary Arrangement 53		54. Date Bail Posted 54		55. Name and Address of Corporate Surety and Agent or Individual Surety-Preliminary Hearing 55																																											
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COST: CLERK OF COURTS



64. Date Transcribed
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Certified this 11th day of DECEMBER 19 96

My commission expires first Monday of January 2000.

SEAL

I, the above named Issuing Authority, certify that this Transcript is a true and correct Transcript of the Docket

1. Docket Number of Final Issuing Authority CR-0000247-96		2. Common Pleas Docket Number 2		3. State Identification Number 3TN E 690923-2	
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13. State PA		14. Officer PAPSPB500		15. OCA 6866	
16. Date of Arrest MM DD YY 10 15 96		17. Date Complaint Filed or Citation Issued or Filed MM DD YY 10 15 96		18. Summons MM DD YY 10 15 96	
19. Date of Preliminary Hearing/Summary Trial MM DD YY 12 10 96		20. Address of Preliminary Hearing/Summary Trial 701 S. 4TH STREET, TOWANDA, PA 18848		21. Warrant MM DD YY 10 15 96	
22. Summons Returned MM DD YY 10 15 96		23. Preliminary Arraignment MM DD YY 10 15 96		24. Time 7:40 P	
25. Date Set For Preliminary Hearing MM DD YY 12 10 96		26. Description of Charges		27. Disposition	
28. Charge		29. Grading		30. Section and Subsection	
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1. Docket Number of Issuing Authority CR-0000247-96		2. Common Pleas Case Number		3. State Identification Number OTN E 690923-2	
4. Final Issuing Authority (to be completed by Final Issuing Authority) JAMES O. POWELL				5. Transferred from Initial Issuing Authority	
6. Name and Address (Last Name First) BAKER, RONALD JAMES 515 2ND STREET TOWANDA, PA 18848				7. Date of Transfer	
8. Name and Address of Agent Who Signed Complaint (Name and Address) JEFFREY P. SREDENSCHAK PA STATE POLICE - TOWANDA RD 1 TOWANDA, PA 18848				8. Docket No. of Initial Issuing Authority CR-0000247-96	
9. Date of Birth MM DD YY 01 23 61		10. Sex M W M		11. Operator License Number 60032700	
12. Date of Arrest MM DD YY 10 15 96		13. Date Complaint Filed or Citation Issued or Filed MM DD YY 10 15 96		14. Date Issued MM DD YY 10 15 96	
15. Prelim. Hear./Sum. Trial MM DD YY 12 10 96		16. Address of Preliminary Hearing/Summary Trial 701 S. 4TH STREET, TOWANDA, PA 18848		17. Badge Number/Officer ID 6866	
18. Description of Charges					
19. Charge		20. Grading		21. Offense Date MM DD YY	
22. Section and Subsection		23. Description		24. Date Set For Preliminary Hearing MM DD YY	
25. Charge		26. Grading		27. Offense Date MM DD YY	
28. Section and Subsection		29. Description		30. Date Set For Preliminary Hearing MM DD YY	
31. Charge		32. Grading		33. Offense Date MM DD YY	
34. Section and Subsection		35. Description		36. Date Set For Preliminary Hearing MM DD YY	
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40. Section and Subsection		41. Description		42. Date Set For Preliminary Hearing MM DD YY	
43. Charge		44. Grading		45. Offense Date MM DD YY	
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604. Section and Subsection		605. Description		606. Date Set For Preliminary Hearing MM DD YY	



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SEAL

I, the above named Issuing Authority certify that this Transcript is a true and correct Transcript of the Docket.

PRINTED: 12/11/96 7:35:54

Report Date: 12/11/96

System Date: 12/11/96

Report Id: CS825R

CURRENT BAIL INFORMATION



Time. 7:35

Mag Dist. No: 42-3-03

Docket Number: CR-0000247-96

Defendant Name: BAKER, RONALD JAMES

Last Bail Action: SET Date: 10/15/96 Time: 7:40PM Common Pleas Court Order Number:

Ball Set Amount: \$ 150,000.00 Date: 10/15/96

Modified Bail Amount: _____ Date: _____

Event Type: ARRAIGNMENT Date: 10/15/96 Time: 7:40PM

Release Type 1: MONEY BAIL Release Type 2:

Monetary Release Type: STRAIGHT BAIL

Ball Bond Signed: 120 Date: _____ Time: _____

**SURETY
TYPE**

SURETY NAME AND ADDRESS

SECURITY
TYPE

POSTED
AMOUNT

PAID IN
AMOUNT

LAST
SURETY
TYPE

**LAST
RECEIPT
NUMBER**

**LAST
RECEIPT
DATE**

**LAST
RECEIPT
AMOUNT**

LAST
SURETY
TYPE

**LAST
REFUND
DATE**

LAST
REFUND
CHECK NUMBER

Northwest Insured Surety:

Release Conditions in Addition to Bail Bond Conditions

Domestic Violence Considered Imposed? 30

Bill Forfeiture Amount: \$_____ Date of Execution of Forfeiture: _____

Net Feedings Not Aided Amount: \$

Planner for Last Ball Action of _____

CLERK OF COURTS

PRINTED: 12/11/96 7:38:54

COUNTY OF: **BRADFORD**Magisterial District Number: **42-3-03**District Justice Name: Hon. **James POWELL**Address: **701 S. 4th St.
Towanda, Pa. 18848**Telephone: **(717) 268-5057**Docket No.: **01-000000000**Date Filed: **10/15/96**OTN: **E 690923-2****POLICE
CRIMINAL COMPLAINT****CR-247-96****COMMONWEALTH OF PENNSYLVANIA****VS.****DEFENDANT:****NAME and ADDRESS****Ronald James BAKER, W-N, M
515 2nd St
Towanda, PA 18848**

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D.O.B. 01/23/61	Defendant's Social Security Number *160520621	Defendant's SID 142-81-28-2
Defendant's AKA		Defendant's Vehicle Information: Plate Number J492XJ State NY Registration Sticker (MM/YY)		Defendant's Driver's License Number State PA 60032700
Complaint Number P5-351138		Complaint Number of other Participants		UDNRMS Code 210

District Attorney's Office ☐ Approved ☐ Disapproved because: _____
 (The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing; Pa.R.Cr.P. 107.)

(Name of Attorney for Commonwealth - Please Print or Type) **1. Tpr. Jeffrey P. SREDENSCHER** (Signature of Attorney for Commonwealth) _____ (Date) _____
 (Please Print or Type) **6866** (Officer Badge Number (I.D.))
 of **PA STATE POLICE-TOWANDA STATION** **PAPSP8500** (Police Agency Off Number) _____ (Originating Agency Case Number (C))
 (Please Print or Type) _____

do hereby state: (check the appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above
☐ I accuse the defendant whose name is unknown to me but who is described as _____
☐ I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe
 with violating the penal laws of the Commonwealth of Pennsylvania at **SR 2004 approx 200' north**
of SR2006, Towanda Twp (Please Print or Type)
 in **BRADFORD** PA County on or about **09/29/96 approx 1630hrs**

Participants were: (If there were participants, place their names here, repeating the name of above defendant)
Ronald James BAKER

2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated without more, is not sufficient. In a summary case, you must cite the specific section and sub-section of the statute or ordinance allegedly violated)

SEE PAGE 2 OF 5

continued page 2

Defendant's Name: Ronald James BAKER

Jocket Number: CR-247-96



CRIMINAL COMPLAINT

- 3 counts Aggravated Assault by Vehicle while driving under the influence.
Graded as a Felony two(2) (i.e. one count each for Kim BENJAMIN, Chelsea BRENNER, & Richard BENJAMIN) Sec. 3735.1.(a).
To wit: The defendant did negligently cause serious bodily injury to other persons while the result of a violation of section 3731.
- 3 counts Accidents involving death or personal injury while not properly licensed.
Graded as a Felony three(3) (i.e. one count each for Kim BENJAMIN, Chelsea BRENNER, & Richard BENJAMIN) Sec. 3742.1.(a).
To wit: The defendant was the driver of a vehicle and caused an accident resulting in injury or death of any person and whose operating privilege at the time of the accident is canceled, revoked or suspended pursuant to section 1532 and not restored or who at the time of the accident had not been issued a valid driver's license.
- 1 count Driving Under the Influence of Alcohol.
Graded as a Misdemeanor two(2) Sec. 3731(a)(1)(4)
To wit: the defendant did operate and was in actual physical control of the movement of a motor vehicle, while under the influence of alcohol to a degree which renders a person incapable of safe driving and while the amount of alcohol by weight in the blood of the person is .10% or greater. BAKERS B.A.C.-.125%
- 1 count Reckless Driving.
Graded as a Summary Offense Sec. 3736(a)
To wit: In that the defendant did operate a motor vehicle in a willful or wanton disregard for the safety of persons or property.

"CONTINUED"

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1. 3735.1.	(a)	of the	TITLE 75	3
(Section)	(Subsection)		(PA Statute)	(Counts)
2. 3742.1.	(a)	of the	TITLE 75	3
(Section)	(Subsection)		(PA Statute)	(Counts)
2. 3731	(a)(1), (4)	of the	TITLE 75	1
(Section)	(Subsection)		(PA Statute)	(Counts)
4. 3736	(a)	of the	TITLE 75	1
(Section)	(Subsection)		(PA Statute)	(Counts)

3. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)
4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. §4904) relating to unsworn falsification to authorities.

On this date 10/15, 1996, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

43-1-63

(Signature Line)

(Signature Line)

SEAL

CONTINUATION OF CRIMINAL COMPLAINT

CR-247-96

DEFENDANT'S NAME: Ronald James BAKER

COMM OF PA
Bradford Co.

DOCKET NUMBER:

PA VEHICLE CODE TITLE 18

- 1 count Driving While Operating Privilege is suspended or revoked.
Graded as a Summary Offense Sec. 1543(a) Second or subsequent offense Section 6503.
To wit: In that the defendant did operate a vehicle on a highway or trafficway of this Commonwealth after the commencement of a suspension, revocation or cancellation of the operating privilege and before the operating privilege has been restored.
- 1 count Drivers required to be licensed.
Graded as a Summary Offense Sec. 1501(a)
To wit: In that the defendant did operate a vehicle on a Commonwealth highway without a valid driver's license.
- 1 count Careless Driving.
Graded as a Summary Offense Sec. 3714
To wit: In that the defendant did operate a motor vehicle in a careless disregard for the safety of persons or property.
- 1 count Limitations on overtaking on the left.
Graded as a Summary Offense Sec 3305
To wit: In that the defendant did drive to the left of the center or marked center line of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance, the left side was not free of oncoming vehicles and BAKER did hit another vehicle.
- 1 count Meeting vehicle proceeding in opposite direction.
Graded as Summary Offense Sec. 3302
To wit: In that the defendant did fail to stay to the right of a roadway while proceeding in opposite directions of another vehicle and pass to the right.
- 1 count No-passing zone.
Graded as a Summary Offense Sec 3307(b)
To wit: In that the defendant did drive on the left side of the roadway within a no-passing zone and attempt to pass vehicles.
- 1 count Driving on roadways laned for traffic.
Graded as a Summary Offense Sec 3309(1)
To wit: In that the defendant did fail to stay as nearly as practicable entirely within a single lane and did move from that lane without doing so safely.

OCTOBER 15, 1994

OCTOBER 15, 1996

CR-247-96

CONTINUATION OF CRIMINAL COMPLAINT

DEPENDANTS NAME: Ronald James BAKER

COMM OF PA

DOCKET NUMBER:

Bradford Co.

Pennsylvania Consolidated Statutes(TITLE 18 Crimes Code)

3 counts Aggravated Assault.

Graded as a Felony one(1)(i.e. one each for Kim BENJAMIN,Chelsea BRENNER,& Richard BENJAMIN)SEC.2702(a)(1)

To wit: In that the defendant did attempt to cause serious bodily injury to another,or cause such injury intentionally,knoingly or recklessly under circumstances manifesting extreme indifference to the value of human life.

6 counts Recklessly endangering another person.

Graded as a Misdemeanor two(2)(one count each for Kim BENJAMIN, Chelsea BRENNER, Richard BENJAMIN,David SHORES,Fred VANDERPOOL,& Richard VANDERPOOL) Sec 2705

To Wit: In that the defendant did recklessly engage in conduct which places or may place another person in danger of death or serious bodily injury.

3 count Simple Assault.

Graded as a Misdemeanor two(2)(one count each for Kim BENJAMIN, Chelsea BRENNER,& Richard BENJAMIN) Sec 2701(a)(1)

To wit: In that the defendant did attempt to cause or intentionally knowingly or recklessly causes bodily injury to another.

OCTOBER 15, 1996

OCTOBER 15, 1996

TRP [Signature] [Signature]
[Signature]

Defendant's Name:	BAKER, RONALD JAMES
Docket Number:	CR-247-96



POLICE CRIMINAL COMPLAINT

AFFIDAVIT of PROBABLE CAUSE

This officer has been advised by Trooper Christopher Wegrzynowicz that he investigated a three vehicle collision in Towanda Township, Bradford County, Pennsylvania, on September 29, 1996. The said Trooper determined that the collision occurred at approximately 16:30 hrs. He further reported that the Defendant, Ronald T. Baker, was the operator of a white Hyundai automobile bearing New York registration number J492XJ. Wegrzynowicz further reported that Baker attempted to pass a vehicle operated by Richard Vanderpool in a no passing zone on Glen Road and in the process struck the oncoming vehicle operated by Kimberly Benjamin in a head on manner. Benjamin had two passengers, Chelsea Brenner and Richard Benjamin. Baker had a passenger in his vehicle, being David Shores. Vanderpool's vehicle contained one passenger, Fred Vanderpool. Wegrzynowicz reported that Kim Benjamin, Chelsea Brenner, and Richard Benjamin were seriously injured. David Shores was also injured in the three car collision.

Mike Thiem, a paramedic for Towanda Hospital, responded to the crash site and treated Baker. Thiem reported Baker emitted a strong odor of an alcoholic beverage. Blood alcohol concentration test results were obtained from Towanda Memorial Hospital indicating that Baker had a B.A.C. of 0.125 % after his crash.

An official Penn. D.O.T. driver's record showed that Baker was unlicensed and under suspension on September 29, 1996.

I, TR. JEFFREY P. SACHS, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

TR. JEFFREY P. SACHS

Subscribed and sworn to before me this 15th day of OCTOBER, 1996.

[Signature] Date [Signature] District Justice

My commission expires first Monday of January, 2000.

SEAL

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF BERK

To any authorized person:

In the name of the Commonwealth of Pennsylvania, you are commanded to

take into custody **DOB: 1/23/61 M WHITE**

(Name): **BAKER, RONALD JAMES**

(Address):

515 2ND STREET

TOWANDA, PA 16948

If the defendant be found in said Commonwealth, and bring the defendant

before us at **JAMES O POWELL**

(Address): **701 S. 4TH STREET**

4TH STREET ANNEX

TOWANDA, PA 16948-0000

to answer the Commonwealth of **PA ST POL-TOWANDA**

(Political Subdivision)

upon the complaint or citation of **SEDMENSCHER, JEFFREY P.**

charging the defendant with **75 §3735.1 §§ (3 COUNTS)**

AGG ASSAULT BY MOTOR VEHICLE WHILE DOI

and further to be dealt with according to law, and for such purposes this

shall be your sufficient warrant.

Witness the hand and official seal of the issuing authority on this

15 day of Feb, 19 96

SEAL

(Signature)

Judicial District No.: **42-3-03** Amount required to satisfy

sentence:

Citation No.: **0000193-96** Fine: \$

Reason: **10/15/96** Costs: \$

Docket No.: **CR-0000247-96** Other: \$

OTW: **2 690923-2** Total: \$

Amount needed to satisfy collateral: \$

Reason for warrant: **FELONY**

COPY : SHERIFF / CONSTABLE

AOPC 417-41

RETURN WHERE DEFENDANT IS FOUND

By authority of this warrant

CR-0000247-96, 19 96

I took into custody the within named

☐ He is now at liberty on bail posted before _____

☐ in the _____ jail

☒ before you for disposition.

☐ I accepted a guilty plea and collected _____

\$ _____ for fine and costs.

☐ I accepted a not guilty plea and collected \$ _____ for collateral.

☐ I accepted the fine and costs due in the amount of \$ _____

RETURN WHERE DEFENDANT IS NOT FOUND

After careful search, I cannot find the within named defendant

SIGNATURE

NAME

TITLE

WARRANT OF ARREST

WARRANT CONTROL NO.:

3865386

DOCKET NUMBER:

CR-0000247-96

COMMONWEALTH

OF

PENNSYLVANIA

VS

BAKER, RONALD JAMES

OFFENSE DATE **9/29/96**

CHARGE

75 §3735.1 §§

I acknowledge that I am voluntarily and knowingly pleading guilty. I paid to the officer the fine and costs stated in the warrant in the amount of

\$ _____

(Defendant's Signature)

I acknowledge that I am voluntarily and knowingly pleading not guilty. I paid to the officer the collateral for my appearance at trial stated in the warrant in the amount of

\$ _____

(Defendant's Signature)

Officer's costs:

Warrant

Miles @ ¢

Commitments

Miles @ ¢

Conveying to hearing

Miles @ ¢

Total

10/13/96
42-3-03DISTRICT JUSTICE SYSTEM
COMMONWEALTH OF PENNSYLVANIAPAGE 1
ADDITIONAL CHARGES

WARRANT OF ARREST

CR-0000247-96

COMMONWEALTH OF PENNSYLVANIA
VS

BAKER, RONALD JAMES

CHARGE	DESCRIPTION	OFFENSE DATE
75 \$3742.1 \$SA (3 COUNTS) ACCIDENTS CAUSING INJURY WHICLE NOT PROPERLY		9/29/96
75 \$3731 \$SA1* DUI UNSAFE DRIVING		9/29/96
75 \$3731 \$SA4* DUI BAC GREATER THEN .10, BAC .125		9/29/96
75 \$3736 \$SA RECKLESS DRIVING		9/29/96
75 \$1543 \$SA OPERATOR LIC SUSPENDED 2ND OF SUBSEQUENT OFFENSE		9/29/96
75 \$1501 \$SA DRIVERS REQUIRED TO BE LICENSED		9/29/96
75 \$3714 \$S CARELESS DRIVING		9/29/96
75 \$3305 \$S LIMITATIONS ON OVERTAKING ON THE LEFT		9/29/96
75 \$3302 \$S MEETING OF VEHICLES PROCEEDING IN OPPOSITE DIRECT		9/29/96
75 \$3307 \$S NO PASSING ZONES		9/29/96
75 \$3309 \$S1 DRIVING ON ROADWAYS LANED FOR TRAFFIC		9/29/96
18 \$2702 \$SA1 (3 COUNTS) AGGRAVATED ASSAULT		9/29/96
18 \$2705 \$S (6 COUNTS) RECKLESSLY ENDANGERING		9/29/96
18 \$2701 \$SA1 SIMPLE ASSAULT		9/29/96

PRINTED: 10/13/96 18:59:54

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **BRADFORD**

Mag. Dist. No.	42-3-03
DJ Name: Hon.	JAMES O. POWELL
Address:	701 S. 4TH STREET 4TH STREET ANNEX TOWANDA, PA
Telephone: (717) 268-5057	18848-0000

JAMES O. POWELL
701 S. 4TH STREET
4TH STREET ANNEX
TOWANDA, PA 18848-0000

**PRELIMINARY ARRAIGNMENT
NOTICE**COMMONWEALTH OF
PENNSYLVANIA

VS.

DEFENDANT: NAME and ADDRESS
BAKER, RONALD JAMES
515 2ND STREET
TOWANDA, PA 18848

Docket No.: CR-0000247-96
 Date Filed: 10/15/96
 OTN: E 690923-2



75 82735.1 SS (3 COUNTS) AGG ASSAULT BY MOTOR VEHICLE WHILE DUI

(Charge)

75 83742.1 SBA (3 COUNTS) ACCIDENTS CAUSING INJURY VEHICLE NOT PROPERLY LIC

(Charge)

You are hereby notified that a preliminary arraignment will be held in the above captioned case at the following time and place:

Date: 10/15/96	Place: DISTRICT COURT 42-3-03
Time: 7:40 PM	701 S. 4TH STREET 4TH STREET ANNEX TOWANDA, PA 18848-0000

At the preliminary arraignment, you will be given a copy of the criminal complaint that has been filed against you. In addition, you will be advised of your right to counsel, your right to a preliminary hearing, and the amount and type of bail available if your offense is a bailable offense.

At the preliminary arraignment, a date and time will be fixed for your preliminary hearing and you will be given a reasonable opportunity to post bail. If bail is not posted, you may be committed according to law.

If you are disabled and require assistance, please contact the Magisterial District office at the address above.

If you have any questions, please contact the above office immediately.

10/15/96 Date *[Signature]* District Justice

My commission expires first Monday of January, 2000.

SEAL

SENT BY MAIL: 10/15/96
 ONLY BY COPY PRINTED

COMPLAINT NUMBER: 0000188-05
 DATE SIGNED: 0/00/00

JEPG 000-04

10/25/96
42-3-03DISTRICT JUSTICE SYSTEM
COMMONWEALTH OF PENNSYLVANIAPAGE 1
ADDITIONAL CHARGESPRELIMINARY ARRAIGNMENT
HEARING
CR-0000247-96COMMONWEALTH OF PENNSYLVANIA
VS
BAKER, RONALD JAMES

CHARGE

DESCRIPTION

75	\$3731	SSA1* DUI UNSAFE DRIVING
75	\$3731	SSA4* DUI BAC GREATER THEN .10, BAC .125
75	\$3736	SSA RECKLESS DRIVING
75	\$1543	SSA OPERATOR LIC SUSPENDED 2ND OF SUBSEQUENT OFFENSE
75	\$1501	SSA DRIVERS REQUIRED TO BE LICENSED
75	\$3714	SS CARELESS DRIVING
75	\$3305	SS LIMITATIONS ON OVERTAKING ON THE LEFT
75	\$3302	SS MEETING OF VEHICLES PROCEEDING IN OPPOSITE DIRECT
75	\$3307	SSB NO PASSING ZONES
75	\$3309	SS1 DRIVING ON ROADWAYS LANED FOR TRAFFIC
18	\$2702	SSA1 (3 COUNTS) AGGRAVATED ASSAULT
18	\$2705	SS (6 COUNTS) RECKLESSLY ENDANGERING
18	\$2701	SSA1 SIMPLE ASSAULT

10/15/96

PRINTED: 10/15/96 19:50:29

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **BRADFORD**

COMMITMENT

Mag Out No	42-3-03
DJ Name Hon	
Address	JAMES O. POWELL 701 S. 4TH STREET 4TH STREET ANNEX TOWANDA, PA
Telephone	(717) 268-5057 18848-0000

COMMONWEALTH OF
PENNSYLVANIA

VS.

DEFENDANT

NAME and ADDRESS

BAKER, RONALD JAMES
515 2ND STREET
TOWANDA, PA 18848

DIST ATTNY

Docket No.: **CR-0000247-96**
Date Filed: **10/15/96**
OTN: **E 690923-2**
**75 83735.1 88 (3 COUNTS) AGG ASSAULT BY MOTOR VEHICLE WHILE DUI**

(Charge)

75 83742.1 88A (3 COUNTS) ACCIDENTS CAUSING INJURY WHILE NOT PROPERLY LIC

(Charge)

To ANY AUTHORIZED PERSON of the above named County of this Commonwealth:

You are hereby commanded to convey and deliver into the custody of the Keeper of the county prison the above named defendant. You, the Keeper are required to receive the defendant into your custody to be safely kept by you until discharged by due course of law or for:

☐ A PERIOD OF _____ DAYS UNTIL _____☒ A HEARING AT

Date: 10/25/96	Place: DISTRICT COURT 42-3-03
Time: 9:00 AM	701 S. 4TH STREET
	4TH STREET ANNEX
	TOWANDA, PA 18848-0000

☐ A FURTHER HEARING

Date:	Place:
Time:	

☐ COMMON PLEAS COURT ACTION☐ OTHER: _____CURRENT AMOUNT OF BAIL: **150,000.00** STRAIGHT BAILWitness my hand and official seal this **15th** day of **OCTOBER**, 19**96**.
10/15/96 Date  District Justice

My commission expires first Monday of January, 2000

SEAL

10/15/96
42-3-03

DISTRICT JUSTICE SYSTEM
COMMONWEALTH OF PENNSYLVANIA

PAGE 1
ADDITIONAL CHARGES

COMMITMENT

CR-0000247-96

COMMONWEALTH OF PENNSYLVANIA
VS
BAKER, RONALD JAMES

CHARGE

DESCRIPTION

75	§3731	§§A1* DUI UNSAFE DRIVING
75	§3731	§§A4* DUI BAC GREATER THEN .10, BAC .125
75	§3736	§§A RECKLESS DRIVING
75	§1543	§§A OPERATOR LIC SUSPENDED 2ND OF SUBSEQUENT OFFENSE
75	§1501	§§A DRIVERS REQUIRED TO BE LICENSED
75	§3714	§§ CARELESS DRIVING
75	§3305	§§ LIMITATIONS ON OVERTAKING ON THE LEFT
75	§3302	§§ MEETING OF VEHICLES PROCEEDING IN OPPOSITE DIRECT
75	§3307	§§B NO PASSING ZONES
75	§3309	§§1 DRIVING ON ROADWAYS LANED FOR TRAFFIC
18	§2702	§§A1 (3 COUNTS) AGGRAVATED ASSAULT
18	§2705	§§ (6 COUNTS) RECKLESSLY ENDANGERING
18	§2701	§§A1 SIMPLE ASSAULT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: BRADFORD

Mag. Dist. No.	42-3-03
DJ Name	Hon.
Address	JAMES O. POWELL 701 S. 4TH STREET 4TH STREET ANNEX TOWANDA, PA
Telephone	(717) 268-5057 18848-0000

NOTICE OF PRELIMINARY HEARING

COMMONWEALTH OF
PENNSYLVANIA

VS.
DEFENDANT
NAME and ADDRESS
BAKER, RONALD JAMES
515 2ND STREET
TOWANDA, PA 18848

JAMES O. POWELL
701 S. 4TH STREET
4TH STREET ANNEX
TOWANDA, PA 18848-0000

Docket No.: CR-0000247-96
Date Filed: 10/15/96
OTN: E 690923-2



75 82735.1 88 (3 COUNTS) AGG ASSAULT BY MOTOR VEHICLE WHILE DUI

(Charge)

75 83742.1 88A (3 COUNTS) ACCIDENTS CAUSING INJURY WHILE NOT PROPERLY LIC

(Charge)

NOTICE TO DEFENDANT

A complaint has been filed charging you with the offense(s) set forth above and on the attached copy of the complaint. A preliminary hearing on these charges has been scheduled for:

Date: 10/25/96	Place: DISTRICT COURT 42-3-03 701 S. 4TH STREET 4TH STREET ANNEX TOWANDA, PA 18848-0000
Time: 9:00 AM	

If you fail to appear at the time and place above, a warrant will be issued for your arrest.

At the preliminary hearing you may:

1. Be represented by counsel;
2. Cross-examine witnesses and inspect physical evidence offered against you;
3. Call witnesses on your behalf other than witnesses to testify to your good reputation only, offer evidence on your behalf and testify;
4. Make written notes of the proceeding, or have your counsel do so, or make a stenographic, mechanical or electronic record of the proceedings.

If you cannot afford to hire an attorney, one may be appointed to represent you. Please contact the office of the district justice for additional information regarding the appointment of an attorney.

If you are disabled and require assistance, please contact the Magisterial District office at the address above.

If you have any questions, please call the above office immediately.

10/15/96 Date [Signature] District Justice

My commission expires first Monday of January, 2000

SEAL

DATE PRINTED: 10/15/96
ALL COPIES PRINTED

COMPLAINT NUMBER: 0000188-08
DATE SIGNED: 08/00

ASPC 888-04

10/15/96
42-3-03

DISTRICT JUSTICE SYSTEM
COMMONWEALTH OF PENNSYLVANIA

PAGE 1
ADDITIONAL CHARGES

NOTICE OF
PRELIMINARY HEARING
CR-0000247-96

COMMONWEALTH OF PENNSYLVANIA
VS
BAKER, RONALD JAMES

CHARGE

DESCRIPTION

75	\$3731	\$SA1* DUI UNSAFE DRIVING
75	\$3731	\$SA4* DUI BAC GREATER THEN .10, BAC .125
75	\$3736	\$SA RECKLESS DRIVING
75	\$1543	\$SA OPERATOR LIC SUSPENDED 2ND OF SUBSEQUENT OFFENSE
75	\$1501	\$SA DRIVERS REQUIRED TO BE LICENSED
75	\$3714	\$S CARELESS DRIVING
75	\$3305	\$S LIMITATIONS ON OVERTAKING ON THE LEFT
75	\$3302	\$S MEETING OF VEHICLES PROCEEDING IN OPPOSITE DIRECT
75	\$3307	\$SB NO PASSING ZONES
75	\$3309	\$S1 DRIVING ON ROADWAYS LANED FOR TRAFFIC
18	\$2702	\$SA1 (3 COUNTS) AGGRAVATED ASSAULT
18	\$2705	\$S (6 COUNTS) RECKLESSLY ENDANGERING
18	\$2701	\$SA1 SIMPLE ASSAULT

PRINTED: 10/15/96 19:49:38

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **BRADFORD**

Mag Dist No	42-3-03
DJ Name Hon	JAMES O. POWELL
Address	701 S. 4TH STREET 4TH STREET ANNEX TOWANDA, PA
Telephone	(717) 268-5000 18848-0000

JAMES O. POWELL
701 S. 4TH STREET
4TH STREET ANNEX
TOWANDA, PA 18848-0000

NOTICE OF CONTINUANCE

COMMONWEALTH OF
PENNSYLVANIA

VS.
DEFENDANT NAME and ADDRESS
BAKER, RONALD JAMES
515 2ND STREET
TOWANDA, PA 18848

Docket No: CR-0000247-96
Date Filed: 10/15/96
OTN: E 690923-2



75 83735.1 88 (3 COUNTS) AGG ASSAULT BY MOTOR VEHICLE WHILE DUI

(Charge)

75 83742.1 88A (3 COUNTS) ACCIDENTS CAUSING INJURY WHILE NOT PROPERLY LIC

(Charge)

Please note that the hearing in the above captioned case, which was scheduled to occur on: 10/25/96

has been continued to:

Date: 12/10/96	Place: DISTRICT COURT 42-3-03
Time: 1:00 PM	701 S. 4TH STREET 4TH STREET ANNEX TOWANDA, PA 18848-0000

If you have any questions, please contact this office immediately.

Continuance requested by: DISTRICT ATTORNEY

If you are disabled and require assistance, please contact the Magisterial District office at the address above.

[Signature] Date [Signature] District Justice
My commission expires first Monday of January 2000

SEAL

11/13/96
4243-03DISTRICT JUSTICE SYSTEM
COMMONWEALTH OF PENNSYLVANIAPAGE 1
ADDITIONAL CHARGES

NOTICE OF CONTINUANCE

CR-0000247-96

COMMONWEALTH OF PENNSYLVANIA
VS

BAKER, RONALD JAMES

CHARGE

DESCRIPTION

75	\$3731	\$SA1*	DUI UNSAFE DRIVING
75	\$3731	\$SA4*	DUI BAC GREATER THEN .10, BAC .125
75	\$3736	\$SA	RECKLESS DRIVING
75	\$1543	\$SA	OPERATOR LIC SUSPENDED 2ND OF SUBSEQUENT OFFENSE
75	\$1501	\$SA	DRIVERS REQUIRED TO BE LICENSED
75	\$3714	\$S	CARELESS DRIVING
75	\$3305	\$S	LIMITATIONS ON OVERTAKING ON THE LEFT
75	\$3302	\$S	MEETING OF VEHICLES PROCEEDING IN OPPOSITE DIRECT
75	\$3307	\$SB	NO PASSING ZONES
75	\$3309	\$S1	DRIVING ON ROADWAYS LANED FOR TRAFFIC
18	\$2702	\$SA1	(3 COUNTS) AGGRAVATED ASSAULT
18	\$2705	\$S	(6 COUNTS) RECKLESSLY ENDANGERING
18	\$2701	\$SA1	SIMPLE ASSAULT

PRINTED: 11/13/96 13:55:20

INFORMATION

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
 VS. : BRADFORD, PENNSYLVANIA
 : CRIMINAL DIVISION
 :
 RONALD BAKER : ACTION NO. 96CR000716
 01/23/61 :
 160-52-0621 :

THE DISTRICT ATTORNEY OF BRADFORD COUNTY, by this information charges that on or about Sunday, the 29th day of September, 1996, in said County of Bradford, Pennsylvania, the defendant did commit the crime of

COUNT 1 - ACCIDENTS INVOLVING DEATH/INJURY & NOT LICENSED - (F 3)

The Defendant, was the driver of a vehicle and did cause an accident resulting in injury or death of a person, namely, Kimberly Benjamin and whose operating privilege at the time of the accident was canceled, recalled, revoked or suspended pursuant to Section 1532 of the Pennsylvania Motor Vehicle Code (relating to revocation or suspension of operating privilege) and not restored or who at the time of the accident had not been issued a valid driver's license in violation of Section 3742.1 of the Pennsylvania Motor Vehicle Code a FELONY of the Third Degree.

COUNT 2 - ACCIDENTS INVOLVING DEATH/INJURY & NOT LICENSED - (F 3)

The Defendant, was the driver of a vehicle and did cause an accident resulting in injury or death of a person, Chelsea Brenner, and whose operating privilege at the time of the accident was canceled, recalled, revoked or suspended pursuant to Section 1532 of the Pennsylvania Motor Vehicle Code (relating to revocation or suspension of operating privilege) and not restored or who at the time of the accident had not been issued a valid driver's license in violation of Section 3742.1 of the Pennsylvania Motor Vehicle Code a -Felony of the Third Degree.

COUNT 3 - ACCIDENTS INVOLVING DEATH/INJURY & NOT LICENSED - (M 2)

The Defendant, was the driver of a vehicle and did cause an accident resulting in injury or death of a person, Richard Benjamin and whose operating privilege at the time of the accident was canceled, recalled, revoked or suspended pursuant to Section 1532 of the Pennsylvania Motor Vehicle Code (relating to revocation or suspension of operating privilege) and not restored or who at the time of the accident had not been issued a valid driver's license in violation of Section 3742.1 of the Pennsylvania Motor Vehicle Code a Misdemeanor of the Second Degree.

COUNT 4 - DRIVING UNDER THE INFLUENCE OF ALCOHOL - (M 1)

The Defendant drove, operated or was in actual physical control of the movement of a vehicle, while under the influence of alcohol to a degree which rendered the defendant incapable of safe driving, in violation of Section 3731(a)(1) of the Pennsylvania Motor Vehicle Code, Act of December 15, 1982, 75 Pa. C.S. Section 3731(a)(1).

COUNT 5 - DRIVING UNDER THE INFLUENCE OF ALCOHOL - (M 1)

The defendant drove, operated or was in actual physical control of the movement of a vehicle while the amount of alcohol by weight in the blood of the person was 0.10% or greater, the test amount being ~.125%, in violation of Section 3731(a)(4) of the Pennsylvania Motor Vehicle Code, Act of December 15, 1982, 75 Pa. C.S. Section 3731(a)(4)

*7

COUNT 6 - SIMPLE ASSAULT - (M 2)

The Defendant did attempt to cause or intentionally, knowingly or recklessly did cause bodily injury to Kimberly Benjamin in violation of Section 2701(a)(1) of the Pennsylvania Crimes Code a MISDEMEANOR of the -Second Degree. 18 Pa.C.S. Section 2701(a)(1)

COUNT 7 - SIMPLE ASSAULT - BODILY INJURY W/DEADLY WEAPON - (M 2)

The Defendant negligently caused bodily injury to Kimberly Benjamin with a deadly weapon in violation of Section 2701(a)(2) of the Pennsylvania Crimes Code a MISDEMEANOR of the -Second Degree. 18 Pa.C.S. Section 2701(a)(2).

COUNT 8 - SIMPLE ASSAULT - (M 1)

The Defendant did attempt to cause or intentionally, knowingly or recklessly did cause bodily injury to Chelsea Brenner in violation of Section 2701(a)(1) of the Pennsylvania Crimes Code a MISDEMEANOR of the Second Degree. 18 Pa.C.S. Section 2701(a)(1)

COUNT 9 - SIMPLE ASSAULT - BODILY INJURY W/DEADLY WEAPON - (M 1)

The Defendant negligently caused bodily injury to Chelsea Brenner, with a deadly weapon in violation of Section 2701(a)(2) of the Pennsylvania Crimes Code a MISDEMEANOR of the Second Degree. 18 Pa.C.S. Section 2701(a)(2).

COUNT 10 - RECKLESSLY ENDANGERING ANOTHER PERSON - (M 2)

The Defendant recklessly engaged in conduct which placed or may have placed Kimberly Benjamin in danger of death or serious bodily injury in violation of Section 2705 of the Pennsylvania Crimes Code, a MISDEMEANOR of the Second Degree. 18 Pa. C.S. Section 2705.

COUNT 11 - RECKLESSLY ENDANGERING ANOTHER PERSON - (M 2)

The Defendant recklessly engaged in conduct which placed or may have placed Chelsea Brenner in danger of death or serious bodily injury in violation of Section 2705 of the Pennsylvania Crimes Code, a MISDEMEANOR of the Second Degree. 18 Pa. C.S. Section 2705.

COUNT 12 - RECKLESSLY ENDANGERING ANOTHER PERSON - (M 2)

The Defendant recklessly engaged in conduct which placed or may have placed Richard Benjamin, in danger of death or serious bodily injury in violation of Section 2705 of the Pennsylvania Crimes Code, a MISDEMEANOR of the Second Degree. 18 Pa. C.S. Section 2705.

COUNT 13 - RECKLESSLY ENDANGERING ANOTHER PERSON - (M 2)

The Defendant recklessly engaged in conduct which placed or may have placed Richard Vanderpool in danger of death or serious bodily injury in violation of Section 2705 of the Pennsylvania Crimes Code, a MISDEMEANOR of the Second Degree. 18 Pa. C.S. Section 2705.

COUNT 14 - RECKLESSLY ENDANGERING ANOTHER PERSON - (M 2)

The Defendant recklessly engaged in conduct which placed or may have placed Fred Vanderpool, in danger of death or serious bodily injury in violation of Section 2705 of the Pennsylvania Crimes Code, a MISDEMEANOR of the Second Degree. 18 Pa. C.S. Section 2705.

COUNT 15 - AGGRAVATED ASSAULT BY VEHICLE WHILE DUI - (F 2)

The Defendant did negligently cause serious bodily injury to another person, Chelsea Brenner as a result of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) and shall be convicted of violating section 3731 and the violation of section 3731 is the cause of the injury to the victim. 75 Pa.C. S. Section 3735.1(a)

COUNT 16 - AGGRAVATED ASSAULT BY VEHICLE WHILE DUI - (F 2)

The Defendant did negligently cause serious bodily injury to another person, Kimberly Benjamin as a result of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) and shall be convicted of violating section 3731 and the violation of section 3731 is the cause of the injury to the victim.
75 Pa. C. S. Section 3735.1(a)

COUNT 17 - RECKLESSLY ENDANGERING ANOTHER PERSON - (M 2)

The Defendant recklessly engaged in conduct which placed or may have placed Chris Anna, infant child of Kelly Place, in danger of death or serious bodily injury in violation of Section 2705 of the Pennsylvania Crimes Code, a MISDEMEANOR of the Second Degree. 18 Pa. C.S. Section 2705.

COUNT 18 - RECKLESSLY ENDANGERING ANOTHER PERSON - (M 2)

The Defendant recklessly engaged in conduct which placed or may have placed Amy Parker, in danger of death or serious bodily injury in violation of Section 2705 of the Pennsylvania Crimes Code, a MISDEMEANOR of the Second Degree. 18 Pa. C.S. Section 2705.

COUNT 19 - RECKLESSLY ENDANGERING ANOTHER PERSON - (M 2)

The Defendant recklessly engaged in conduct which placed or may have placed Kelly Place, in danger of death or serious bodily injury in violation of Section 2705 of the Pennsylvania Crimes Code, a MISDEMEANOR of the Second Degree. 18 Pa. C.S. Section 2705.

COUNT 20 - AGGRAVATED ASSAULT - BODILY INJURY - (F 1)

The Defendant attempted to cause serious bodily injury to Kimberly Benjamin, or attempted to cause serious bodily injury to another, or caused such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life, in violation of Section 2702(a)(1) of the Pennsylvania Crimes Code a FELONY of the First Degree.
18 Pa. C.S. Section 2702(a)(1).

COUNT 21 - AGGRAVATED ASSAULT - DEADLY WEAPON - (F 2)

The Defendant did attempt to cause, or intentionally or knowingly did cause bodily injury to Kimberly Benjamin, with a deadly weapon, namely, -motor vehicle, in violation of Section 2702(a)(4) of the Pennsylvania Crimes Code a FELONY of the Second Degree. 18 Pa. C.S. Section 2702(a)(4).

COUNT 22 - AGGRAVATED ASSAULT - DEADLY WEAPON - (F 2)

The Defendant did attempt to cause, or intentionally or knowingly did cause bodily injury to Chelsea Brenner, with a deadly weapon, namely, -motor vehicle, in violation of Section 2702(a)(4) of the Pennsylvania Crimes Code a FELONY of the Second Degree. 18 Pa. C.S. Section 2702(a)(4).

COUNT 23 - AGGRAVATED ASSAULT - BODILY INJURY - (F 1)

The Defendant attempted to cause serious bodily injury to Chelsea Brenner, or attempted to cause serious bodily injury to another, or caused such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life, in violation of Section 2702(a)(1) of the Pennsylvania Crimes Code a FELONY of the First Degree.
18 Pa. C.S. Section 2702(a)(1).

COUNT 24 - CRIMINAL MISCHIEF-ENDANGER PERSON OR PROPERTY - (F 3)

The Defendant did intentionally or recklessly tamper with tangible property, a 1994 Hyundai Accent of another, Snorac, Inc. so as to endanger person or property in violation of Section 3304(a)(2) of the Pennsylvania Crimes Code a FELONY of the Third Degree. 18 Pa. C. S. Section 3304(a)(2).

COUNT 25 - CRIMINAL MISCHIEF-ENDANGER PERSON OR PROPERTY - (F 3)
The Defendant did intentionally or recklessly tamper with tangible property, 1989 Ford Tempo of another, Richard Benjamin so as to endanger person or property in violation of Section 3304(a)(2) of the Pennsylvania Crimes Code a -FELONY of the Third Degree. 18 Pa. C. S. Section 3304(a)(2).

COUNT 26 - DRIVING WHILE OPERATING PRIVILEGE SUSPEND/REVOKED - (SUMMARY 0)
The defendant operated a motor vehicle, upon a highway in this Commonwealth, at a time when said defendant's operating privileges were suspended, revoked or cancelled, in violation of Section 1543(a) of the Pennsylvania Motor Vehicle Code, Act 81 of 1976, 75 Pa. C.S. Section 1543(a).

- SUBSEQUENT CONVICTIONS OF CERTAIN OFFENSES -
The Defendant was convicted of a second or subsequent violation of one or more of the following motor vehicle offenses: Section 1501(a); Section 1543; Section 3367; Section 3367; Section 3733; Section 3734; Section 3748; in violation of Section 6503 of the Pennsylvania Motor Vehicle Code. 75 Pa. C.S. Section 6503

COUNT 27 - DRIVING WITHOUT A LICENSE, (SUMMARY 0)
The Defendant drove a motor vehicle, upon a highway of this Commonwealth, without a valid license, in violation of Section 1501(a) of the Pennsylvania Motor Vehicle Code, Act of June 17, 1976, 75 Pa. C.S. Section 1501(a).
-SUBSEQUENT CONVICTIONS OF CERTAIN OFFENSES- The defendant was convicted of a second or subsequent violation of one or more of the following motor vehicle offenses: Section 1501 (a); Section 1543; Section 3367; Section 3367, Section 3733; Section 3734; Section 3748 in violation of Section 6503 of the Pennsylvania Motor Vehicle Code. 75 Pa. C.S. Section 6503.

COUNT 28 - RECKLESS DRIVING - (SUMMARY 0)
The defendant drove an automobile or vehicle, upon a highway of this Commonwealth, in a willful or wanton disregard for the safety of persons or property, in violation of Section 3736 of the Pennsylvania Motor Vehicle Code Act of May 30, 1990, 75 Pa. C.S. Section 3736.

COUNT 29 - CARELESS DRIVING - (SUMMARY 0)
The defendant did drive a vehicle, on a public highway of this Commonwealth, in careless disregard for the safety of persons or property, in violation of Section 3714 of the Pennsylvania Motor Vehicle Code, Act of June 17, 1976, 75 Pa. C.S. Section 3714.

COUNT 30 - LIMITATIONS ON OVERTAKING ON THE LEFT - (SUMMARY 0)
The defendant drove a vehicle, on a highway of the Commonwealth, on the left side of the center or marked center line of the roadway in overtaking and passing another vehicle proceeding in the same direction and at such time the left side was not clearly visible and was not free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle being overtaken; and further the defendant did not return to an authorized lane of travel as soon as practicable, in violation of Section 3305 of the Pennsylvania Motor Vehicle Code, Act of June 17, 1976, 75 Pa. C.S. Section 3305.

COUNT 31 - MEETING VEHICLE PROCEEDING IN OPPOSITE DIRECTION - (SUMMARY 0)
The defendant drove a vehicle, on a public highway in this Commonwealth, and did meet a vehicle on said roadway proceeding in an opposite direction and at such time the defendant failed to give to the other vehicle at least one half of the main traveled portion of the roadway as nearly as possible, in violation of Section 3302 of the Pennsylvania Motor Vehicle Code, Act of June 17, 1976, 75 Pa. C.S. Section 3302.

COUNT 32 - NO-PASSING ZONES - (SUMMARY 0)

The defendant did drive a motor vehicle, upon a highway in this Commonwealth, a roadway where signs and markings are in a place to define a no-passing zone, as set forth in sub-section (a) of Section 3307, and the defendant did pass on the left side of the roadway within the no-passing zone, in violation of Section 3307(b) of the Pennsylvania Motor Vehicle Code, Act of June 17, 1976, 75 Pa. C.S. Section 3307(b).

COUNT 33 - DRIVING ON ROADWAYS LANED FOR TRAFFIC - (SUMMARY 0)

The defendant drove a motor vehicle, on a roadway divided into two or more clearly marked lanes for traffic and failed to drive his vehicle as nearly as practicable entirely within a single lane without having first ascertained that the movement can be made with safety, in violation of Section 3309(1) of the Pennsylvania Motor Vehicle Code, Act of June 17, 1976, 75 Pa. C.S. Section 3309(1).

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.


 Attorney for the Commonwealth

75 Pa. C. S. Section 3742.1-F-3 - 0.00 -
 75 Pa. C. S. Section 3742.1-F-3 - 0.00 -
 75 Pa. C. S. Section 3742.1-M-2 - 0.00 -
 75 Pa. C.S. Section 3731(a) (1)-M-1 - 0.00 -
 75 Pa. C.S. Section 3731(a) (4)-M-1 - 0.00 -
 14 Pa. C. S. Section 2701(a) (1)-M-2 - 0.00 -
 14 Pa. C.S. Section 2701(a) (2)-M-2 - 0.00 -
 14 Pa. C. S. Section 2701(a) (1)-M-1 - 0.00 -
 14 Pa. C.S. Section 2701(a) (2)-M-1 - 0.00 -
 14 Pa. C.S. Section 2705-M-2 - 0.00 -
 14 Pa. C.S. Section 2705-M-2 - 0.00 -
 14 Pa. C.S. Section 2705-M-2 - 0.00 -
 14 Pa. C.S. Section 2705-M-2 - 0.00 -
 14 Pa. C.S. Section 2705-M-2 - 0.00 -
 14 Pa. C.S. Section 2705-M-2 - 0.00 -
 14 Pa. C. S. Section 3725.1(a)-F-2 - 0.00 -
 14 Pa. C. S. Section 3725.1(a)-F-2 - 0.00 -
 14 Pa. C.S. Section 2705-M-2 - 0.00 -
 14 Pa. C.S. Section 2705-M-2 - 0.00 -
 14 Pa. C.S. Section 2705-M-2 - 0.00 -
 14 Pa. C.S. Section 2702(a) (1)-F-1 - 0.00 -
 14 Pa. C.S. Section 2702(a) (4)-F-2 - 0.00 -
 14 Pa. C.S. Section 2702(a) (4)-F-2 - 0.00 -
 14 Pa. C.S. Section 2702(a) (1)-F-1 - 0.00 -
 14 Pa. C. S. Section 3304(a) (2)-F-3 - 0.00 -
 14 Pa. C. S. Section 3304(a) (2)-F-3 - 0.00 -
 75 Pa. C.S. Section 1543(a)-SUMMARY-0 - 0.00 -
 75 Pa. C.S. Section 1501(a)-SUMMARY-0 - 0.00 -
 75 Pa. C.S. Section 3736-SUMMARY-0 - 0.00 -
 75 Pa. C.S. Section 3714-SUMMARY-0 - 0.00 -
 75 Pa. C.S. Section 3305-SUMMARY-0 - 0.00 -
 75 Pa. C.S. Section 3302-SUMMARY-0 - 0.00 -
 75 Pa. C.S. Section 3307(b)-SUMMARY-0 - 0.00 -
 75 Pa. C.S. Section 3309(1)-SUMMARY-0 - 0.00 -

Citation of Statute, Section & Penalty

Defendant/Arthur Agnellino, Esq.

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
	:	
VS.	:	OF BRADFORD COUNTY, PENNSYLVANIA
	:	
RONALD BAKER	:	CRIMINAL ACTION (Law)
	:	Case No. 96 CR000716

REQUEST FOR BILL OF PARTICULARS

TO THE HONORABLE JUDGES OF THE ABOVE COURT AND THE BRADFORD COUNTY DISTRICT ATTORNEY'S OFFICE:

Defendant, by and through his attorney, Arthur D. Agnellino, 515 South Main Street, Athens, Pennsylvania 18810, requests the Bradford County Attorney's Office, pursuant to PA R.C.P. Co. 304, to furnish the said defendant and his attorney, and such other persons as are necessary to assist in the following information, and requests your Honorable Court to Order the District Attorney to produce the same upon default, as follows:

1. A list of names and addresses of all witnesses concerning the crimes charged herein whom the District Attorney intends to call as witnesses at the trial of the Defendant.
2. The exact times, places and dates it is alleged the Defendant committed the crimes charged in the information.
3. A description of any and all physical evidence which the Commonwealth intends to introduce at the trial of the within matter.
4. A specification of the acts the defendant has alleged to have personally performed.
5. The personal and actual statements made by the alleged victim or any witnesses which the police officers have interviewed in relation to the acts alleged to have performed by the Defendant.
6. All documentary evidence, but not limited to reports prepared and kept as records by

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any department or agency of the Commonwealth of Pennsylvania, including but not limited to the statements made by Defendant to any officer in the State Police Department or any other police department that may have interviewed the alleged victim, and any analysis as to the substance in the pipe that Defendant is alleged to have possessed.

7. The exact date that Defendant gave his statement to the officers.

8. All information that is requested on Defendant's Informal Request, attached hereto as "Exhibit A".

9. List the specific suspension or revocation date on Defendants driving record in which the Commonwealth alleged the Defendant was driving under, in Counts 1, 2, and 3 of its Information that the Defendant was driving and involved in an accident involving death/injury, and not licensed, in violation of 75 PA.C.S. Section 3742.1.

10. State is the specific serious bodily injury as defined in 75 Pa.C.S. Section 3742.1, relating to accidents involving death/injury, and not licensed, that the Commonwealth alleges Kimberly Benjamin; Chelaca Brenner and Richard Benjamin suffered as a result of Defendant's actions, in regard to Counts 1, 2, and 3.

11. What are the alleged facts which the Commonwealth contends, shows Defendant operated or was in actual physical control of the movement of a vehicle, while under the influence of alcohol to a degree which rendered Defendant incapable of safe driving, in violation of Section 75 Pa.C.S. 373(a)(1), as stated in Count 4 of the Information.

12. What are the alleged facts which the Commonwealth alleges that Defendant operated or was in actual physical control of the movement of a vehicle with a B.A.C. of 1.25 % as stated in Count V of the Information.

13. At what time was the blood sample taken from Defendant.

14. Describe what methods were used to take Defendant's blood sample and whether the sample was performed by medical personnel under the direction of a police officer or whether the sample was obtained for medical purposes.

15. What facts does the Commonwealth allege which constitute simple assault by Defendant upon Kimberly Benjamin, as stated in Count 6 of the Information.

16. What injury is alleged to have been sustained by Kimberly Benjamin under Count 6 of the Information.

17. State the object which is alleged to be a deadly weapon as stated in Count 7 of the Information, that was alleged to have been used by Defendant against Kimberly Benjamin.

18. What facts does the Commonwealth allege which constitutes simple assault by Defendant upon Chelsea Brenner, as stated in Count 8 of the Information.

19. State the object which is alleged to be a deadly weapon as stated in Count 9 of the Information, that was alleged to have been used by Defendant against Chelsea Brenner.

20. State the facts which the Commonwealth alleges constitutes Reckless Endangering by Defendant upon Kimberly Benjamin, Chelsea Brenner, Richard Benjamin, Richard Vanderpool, and Fred Vanderpool, as stated in Counts 10, 11, 12, 13, and 14, of the Information.

21. State the facts that the Commonwealth alleges constitutes aggravated assault by vehicle while Driving Under the Influence by Defendant, upon Chelsea Brenner and Kimberly Benjamin, as stated in Counts 15 and 16 of the Information.

22. State in detail what serious injuries the Commonwealth alleges that Chelsea Brenner and Kimberly Benjamin sustained as to constitute serious bodily injury under 75 Pa.C.S.

3735.1(A), as alleged in Counts 15 and 16 of the Information.

23. State the acts that the Commonwealth alleges Defendant did which constitutes reckless endangering another person, as stated in Counts 18 and 19 of the Information, concerning Amy Parker and Kelly Place.

24. State in detail the facts that the Commonwealth alleges constitutes Attempt to Cause Serious Injury by Defendant towards Kimberly Benjamin, in violation of 18 Pa.C.S. Section 2702(a)(1) as alleged in Count 20 of the Information.

25. State in detail the facts that the Commonwealth alleges which constitutes Aggravated Assault by Defendant towards Kimberly Benjamin as alleged in Count 20 of the Information.

26. state in detail the serious injures that the Commonwealth alleges Kimberly Benjamin sustained in Count 20 of the Information.

27. State in detail the Deadly Weapon alleged to have been used by defendant upon Kimberly Benjamin as stated in Count 21 of the Information.

28. State in detail the Deadly Weapon alleged to have been used by Defendant upon Chelsea Brenner as stated in Count 22 of the Information.

29. State in detail the facts that the Commonwealth alleges constitutes Attempt to Cause Serious Bodily Injury by Defendant towards Chelsea Brenner as alleged in Count 23 of the information.

30. State in detail the facts that the Commonwealth alleges which constitutes Aggravated Assault by Defendant towards Chelsea Brenner as alleged in Count 23 of the Information.

31. State in detail the facts that the Commonwealth alleges Defendant performed as to commit Criminal Mischief, as set forth in Count 24 of the Information.

32. State in detail the fact that the Commonwealth alleges Defendant performed as to

constitute Criminal Mischief as set forth in Count 25 of the Information.

That the above-requested items and information are material to the above-captioned case.

Respectfully submitted,

Copy to the D.A.

January 15, 1997

A handwritten signature in dark ink, appearing to read 'A. D. Agnellino', is written over a horizontal line.

ARTHUR D. AGNELINO
Attorney for Defendant

ARTHUR D. AGNELLINO, ATTORNEY AT LAW

515 So. Main Street
Athens, Pennsylvania 18810
Telephone: (717) 888-6786

TO: DISTRICT ATTORNEY
FROM: ARTHUR D. AGNELLINO

DATE: January 15, 1997
RE: Ronald Baker

In compliance with the informal request provisions for pretrial discovery and inspection, Rule 305A, C.P.R., demand is made for the following information and material, Rules 305B(1) and 305B(2) (a-d), CPR.:

- A. Any evidence favorable to the accused which is material either to guilt or to punishment, and which is within the possession and/or control of the attorney for the Commonwealth;
- B. The defendant's prior criminal record, and defendant's driving record;
- C. The circumstances and results of any identification of the defendant by voice, photograph, or in person identification;
- D. Any tangible object, including videos, pictures, etc., or other tangible evidence; or tape recorded statements made by Defendant or the victim.
- E. The transcripts and recordings and notes of the officer prior to reducing these notes, transcripts and recordings into the officer's affidavit for probable cause;
- F. The notes and actual written statements of the victim and any witnesses that the Commonwealth intends to call as witnesses at trial.
- G. All police reports;
- H. All accident reports;
- I. List of all phone numbers and addresses of witnesses, eyewitnesses to the alleged crimes, and expert witnesses;
- J. Any and all photographs taken at the scene of the crime and all photographs otherwise relating to this case, and pictures of all automobiles involved;
- K. Any reports indicating Defendant's refusal to take a chemical test;
- L. Name and addresses of alleged hunters who were in the area allegedly target practicing a the

time of the crime, and are alleged to be eyewitnesses.

M. Names and addresses of all persons interviewed by the District Attorney's Office, its investigators or agents, Sheriff's Department or State Police, or any other law enforcement agency known to the District Attorney or his representatives in relation to this case.

N. Names and addresses of all witnesses having knowledge of the offense, including those who have been interviewed by the District Attorney's Office.

O. All written statements made by witnesses or any other persons, whether signed or unsigned, which relate to the case. If no statements have been given then a summary of the testimony each witness is expected to give at trial.

P. Results or reports of scientific tests, expert opinions and written or recorded reports prepared by the expert.

Q. A complete medical record and report concerning the medical and psychological (if such care has been given) of Kimberly Benjamin, Chelsea Brenner and Richard Benjamin, or have the victim or victim's legal representative sign the attached release.

R. The names and addresses of all health care providers, hospitals, doctors, and surgeons, who have provided medical and or psychological aid to Kimberly Benjamin, Chelsea Brenner and Richard Benjamin.

Respectfully submitted,

This request was served
on the D.A.'s Office on
the 27th day of January, 1997.


ARTHUR D. AGNELINO
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF BERKSHIRE COUNTY, PENNSYLVANIA

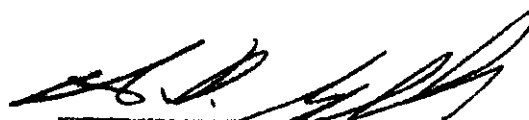
COMMONWEALTH OF PA

VS.

RONALD JAMES BAKER

Please enter my appearance on behalf of
the _____ in the above entitled
matter.

1/07/97



Attorney for:

ATTORNEY I.D.# 65140

CLERK OF COURTS
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COMMONWEALTH OF PENNSYLVANIA

VS.

RONALD BAKER

IN THE COURT OF COMMON PLEAS

OF BRADFORD COUNTY, PENNSYLVANIA

CRIMINAL ACTION (Law)

Case No. 96 CR000716

MOTION FOR PRETRIAL DISCOVERY AND INSPECTION

COMES NOW, the Defendant by and through his attorney of record, Arthur D. Agnellino, and moves this Court pursuant to Rule 305 of the Pennsylvania Rules of Criminal Procedure, for pretrial discovery and inspection.

The Defendant is filing this motion for the purpose of preserving the statutory time limit of 14 days from the date of arraignment in which to file such motion.

Since the arraignment, the Defendant has filed a Request for Bill of Particulars, and attached to such Request was an Informal Request for pretrial discovery and inspection pursuant to Rule 305B(1) and 305(B)(2), and a Request for Expert Witnesses and Eye Witnesses. A copy of the Informal Request and the copy of the requested Bill of Particulars is attached hereto as Exhibit "A", incorporated herein by reference.

Since the time of arraignment, the District Attorney, Robert McGuinness and defense counsel have discussed the case and have discussed the disclosure of various evidence which would include eye witnesses, police reports, photos of the accident scene, and all other items that are listed from A through R, on the Informal Request.

Since this is a case which involves many witnesses and numerous items of evidence, it is believed that it will take more time than the 14 days allotted to file this motion, and review all of the evidence to determine if additional evidence is needed.

THEREFORE, as aforementioned, the Defendant has filed this motion so as to be within


3c: A. Agnellino, Esq.

the statutory time period of 14 days in which to do so, and a good faith effort is taking place between defense attorney Agnellino and the District Attorney, Robert McGuiness to disclose evidence; but in the event that the Court is required to intervene, the Defendant requests that the Court address all items of discovery which was submitted to the District Attorney's office on January 15, 1997.

A Brief is attached hereto, and incorporated herein by reference and filed simultaneously with this Motion.

WHEREFORE, the Defense requests that the Court compel discovery of the items listed in the attached Exhibit "A", and set a hearing date in which this Motion can be heard.


DATED this 21st day of January, 1997.


ARTHUR D. AGNELINO, ESQ./Bar#65140
515 South Main Street
Athens, PA 18810
Telephone: (717) 888-6786

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy of the foregoing document was duly mailed from Athens, Pennsylvania on the 21st day of January, 1997, to the following parties, postage prepaid thereon:

Robert McGuiness, Esq.
District Attorney's Office
Bedford County Courthouse
Towanda, PA 16848


Arthur D. Agnellino, Esq./Bar #65140
515 South Main St.
Athens, PA 18810

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
	:	
VS.	:	OF BRADFORD COUNTY, PENNSYLVANIA
	:	
RONALD BAKER	:	CRIMINAL ACTION (Law)
	:	Case No. 96 CR000716

REQUEST FOR BILL OF PARTICULARS

TO THE HONORABLE JUDGES OF THE ABOVE COURT AND THE BRADFORD COUNTY DISTRICT ATTORNEY'S OFFICE:

Defendant, by and through his attorney, Arthur D. Agnellino, 515 South Main Street, Athens, Pennsylvania 18810, requests the Bradford County Attorney's Office, pursuant to PA R.C.P. Co. 304, to furnish the said defendant and his attorney, and such other persons as are necessary to assist in the following information, and requests your Honorable Court to Order the District Attorney to produce the same upon default, as follows:

1. A list of names and addresses of all witnesses concerning the crimes charged herein whom the District Attorney intends to call as witnesses at the trial of the Defendant.
2. The exact times, places and dates it is alleged the Defendant committed the crimes charged in the information.
3. A description of any and all physical evidence which the Commonwealth intends to attempt to introduce at the trial of the within matter.
4. A specification of the acts the defendant has alleged to have personally performed.
5. The personal and actual statements made by the alleged victim or any witnesses which the police officers have interviewed in relation to the acts alleged to have performed by the Defendant.
6. All documentary evidence, but not limited to reports prepared and kept as records by

Exhibit A

any department or agency of the Commonwealth of Pennsylvania, including but not limited to the statements made by Defendant to any officer in the State Police Department or any other police department that may have interviewed the alleged victim, and any analysis as to the substance in the pipe that Defendant is alleged to have possessed.

7. The exact date that Defendant gave his statement to the officers.

8. All information that is requested on Defendant's Informal Request, attached hereto as "Exhibit A".

9. List the specific suspension or revocation date on Defendants driving record in which the Commonwealth alleged the Defendant was driving under, in Counts 1, 2, and 3 of its Information that the Defendant was driving and involved in an accident involving death/injury, and not licensed, in violation of 75 PA.C.S. Section 3742.1.

10. State is the specific serious bodily injury as defined in 75 Pa.C.S. Section 3742.1, relating to accidents involving death/injury, and not licensed, that the Commonwealth alleges Kimberly Benjamin; Chelsea Brenner and Richard Benjamin suffered as a result of Defendant's actions, in regard to Counts 1, 2, and 3.

11. What are the alleged facts which the Commonwealth contends, shows Defendant operated or was in actual physical control of the movement of a vehicle, while under the influence of alcohol to a degree which rendered Defendant incapable of safe driving, in violation of Section 75 Pa.C.S. 373(a)(1), as stated in Count 4 of the Information.

12. What are the alleged facts which the Commonwealth alleges that Defendant operated or was in actual physical control of the movement of a vehicle with a B.A.C. of 1.25 % as stated in Count V of the Information.

13. At what time was the blood sample taken from Defendant.

14. Describe what methods were used to take Defendant's blood sample and whether the sample was performed by medical personnel under the direction of a police officer or whether the sample was obtained for medical purposes.

15. What facts does the Commonwealth allege which constitute simple assault by Defendant upon Kimberly Benjamin, as stated in Count 6 of the Information.

16. What injury is alleged to have been sustained by Kimberly Benjamin under Count 6 of the Information.

17. State the object which is alleged to be a deadly weapon as stated in Count 7 of the Information, that was alleged to have been used by Defendant against Kimberly Benjamin.

18. What facts does the Commonwealth allege which constitutes simple assault by Defendant upon Chelsea Brenner, as stated in Count 8 of the Information.

19. State the object which is alleged to be a deadly weapon as stated in Count 9 of the Information, that was alleged to have been used by Defendant against Chelsea Brenner.

20. State the facts which the Commonwealth alleges constitutes Reckless Endangering by Defendant upon Kimberly Benjamin, Chelsea Brenner, Richard Benjamin, Richard Vanderpool, and Fred Vanderpool, as stated in Counts 10, 11, 12, 13, and 14, of the Information.

21. State the facts that the Commonwealth alleges constitutes aggravated assault by vehicle while Driving Under the Influence by Defendant, upon Chelsea Brenner and Kimberly Benjamin, as stated in Counts 15 and 16 of the Information.

22. State in detail what serious injuries the Commonwealth alleges that Chelsea Brenner and Kimberly Benjamin sustained as to constitute serious bodily injury under 75 Pa.C.S.

3735.1(A), as alleged in Counts 15 and 16 of the Information.

23. State the acts that the Commonwealth alleges Defendant did which constitutes reckless endangering another person, as stated in Counts 18 and 19 of the Information, concerning Amy Parker and Kelly Place.

24. State in detail the facts that the Commonwealth alleges constitutes Attempt to Cause Serious Injury by Defendant towards Kimberly Benjamin, in violation of 18 Pa.C.S. Section 2702(a)(1) as alleged in Count 20 of the Information.

25. State in detail the facts that the Commonwealth alleges which constitutes Aggravated Assault by Defendant towards Kimberly Benjamin as alleged in Count 20 of the Information.

26. state in detail the serious injures that the Commonwealth alleges Kimberly Benjamin sustained in Count 20 of the Information.

27. State in detail the Deadly Weapon alleged to have been used by defendant upon Kimberly Benjamin as stated in Count 21 of the Information.

28. State in detail the Deadly Weapon alleged to have been used by Defendant upon Chelsea Brenner as stated in Count 22 of the Information.

29. State in detail the facts that the Commonwealth alleges constitutes Attempt to Cause Serious Bodily Injury by Defendant towards Chelsea Brenner as alleged in Count 23 of the Information.

30. State in detail the facts that the Commonwealth alleges which constitutes Aggravated Assault by Defendant towards Chelsea Brenner as alleged in Count 23 of the Information.

31. State in detail the facts that the Commonwealth alleges Defendant performed as to commit Criminal Mischief, as set forth in Count 24 of the Information.

32. State in detail the fact that the Commonwealth alleges Defendant performed as to

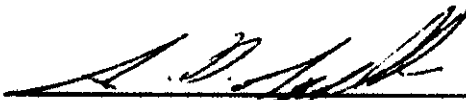
constitute Criminal Mischief as set forth in Count 25 of the Information.

That the above-requested items and information are material to the above-captioned case.

Respectfully submitted,

Copy to the D.A.

January 15, 1997

A handwritten signature in dark ink, appearing to read 'A. D. Agnellino', is written over a horizontal line.

ARTHUR D. AGNELINO
Attorney for Defendant

ARTHUR D. AGNELLINO, ATTORNEY AT LAW

515 So. Main Street
Athens, Pennsylvania 18810
Telephone: (717) 888-6786

TO: DISTRICT ATTORNEY
FROM: ARTHUR D. AGNELLINO

DATE: January 15, 1997
RE: Ronald Baker

In compliance with the informal request provisions for pretrial discovery and inspection, Rule 305A, C.P.R., demand is made for the following information and material, Rules 305B(1) and 305B(2) (a-d), CPR.:

- A. Any evidence favorable to the accused which is material either to guilt or to punishment, and which is within the possession and/or control of the attorney for the Commonwealth;
- B. The defendant's prior criminal record, and defendant's driving record;
- C. The circumstances and results of any identification of the defendant by voice, photograph, or in person identification;
- D. Any tangible object, including videos, pictures, etc., or other tangible evidence; or tape recorded statements made by Defendant or the victim.
- E. The transcripts and recordings and notes of the officer prior to reducing these notes, transcripts and recordings into the officer's affidavit for probable cause;
- F. The notes and actual written statements of the victim and any witnesses that the Commonwealth intends to call as witnesses at trial.
- G. All police reports;
- H. All accident reports;
- I. List of all phone numbers and addresses of witnesses, eyewitnesses to the alleged crimes, and expert witnesses;
- J. Any and all photographs taken at the scene of the crime and all photographs otherwise relating to this case, and pictures of all automobiles involved;
- K. Any reports indicating Defendant's refusal to take a chemical test;
- L. Name and addresses of alleged hunters who were in the area allegedly target practicing a the

time of the crime, and are alleged to be eyewitnesses.

M. Names and addresses of all persons interviewed by the District Attorney's Office, its investigators or agents, Sheriff's Department or State Police, or any other law enforcement agency known to the District Attorney or his representatives in relation to this case.

N. Names and addresses of all witnesses having knowledge of the offense, including those who have ben interviewed by the District Attorney's Office.

O. All written statements made by witnesses or any other persons, whether signed or unsigned, which relate to the case. If no statements have been given then a summary of the testimony each witness is expected to give at trial.

P. Results or reports of scientific tests, expert opinions and written or recorded reports prepared by the expert.

Q. A complete medical record and report concerning the medical and psychological (if such care has been given) of Kimberly Benjamin, Chelsea Brenner and Richard Benjamin, or have the victim or victim's legal representative sign the attached release.

R. The names and addresses of all health care providers, hospitals, doctors, and surgeons, who have provided medical and or psychological aid to Kimberly Benjamin, Chelsea Brenner and Richard Benjamin.

Respectfully submitted,

This request was served
on the D.A.'s Office on
the 5 day of January, 1997.


ARTHUR D. AGNELINO
Attorney for Defendant

COMMONWEALTH OF PENNSYLVANIA

VS.

RONALD BAKER

IN THE COURT OF COMMON PLEAS

OF BRADFORD COUNTY, PENNSYLVANIA

CRIMINAL ACTION (Law)

Case No. 96 CR000716

**BRIEF IN SUPPORT OF MOTION FOR PRETRIAL DISCOVERY
AND INSPECTION**

FACTS

The Defendant was arraigned on January 9, 1997, and a Request for Bill of Particulars was filed on January 15, 1997, along with a letter of Informal Request for Discovery, pursuant to Rule 305 of the Pennsylvania Rules of Criminal Procedure.

Prior to the filing of the Request for Bill of Particulars, Defense Counsel Agnellino and the District Attorney, Robert McGuinness, have had numerous discussions about the case and the disclosure of witnesses, statements, police reports, and accident reports pertaining to this matter.

Although it is believed by Attorney Agnellino that the statements and witness reports will be disclosed to him as per the District Attorney's statements, Attorney Agnellino has filed a motion for pretrial discovery under Rule 305 so as to have a timely filed motion; and in the event that any necessary evidence is not disclosed, that the defense will have a timely motion so as to seek an Order from the Court to compel discovery.

LAW AND ARGUMENT

Rule 305(A), entitled *Informal Discovery*, places the burden upon either party to make a good faith effort to resolve all questions of discovery and provide information required or requested under the Rules as to which there is no dispute.

Attorney Agnellino and District Attorney Robert McGuinness have discussed the disclosure of various evidence, and it is believed by defense, that such disclosure will take place; however, due to the fact that there is a 14 day period in which a motion for pretrial discovery must be filed, unless there is leave by the Court for additional time, Defense Counsel Agnellino, in order to preserve the right to seek an Order to compel discovery, has filed this motion in a timely fashion.

Rule 305(B)(1), entitled *Mandatory Discovery*, places a burden upon the Commonwealth to disclose to defense attorney, any evidence favorable to the accused, which is material either to guilt or to punishment, and which is within the possession or control of the attorney for the Commonwealth, any written confession or inculpatory statement or the substance of any oral confession or inculpatory statement, and the identity of the person to whom the confession or inculpatory statement was made, defendant's prior criminal record, any identification of

defendant by voice, photo or in person identification, results of reports of scientific tests, expert opinions, and written or recorded reports of polygraph examination or other physical or mental examinations of defendant, any tangible objects including document, photos, fingerprints or other tangible evidence, the transcripts and recordings of electrical surveillance and authority by which the said transcripts and recordings were obtained.

Defense Attorney Agnellino has requested the defendant's criminal record as well as defendant's driving record, since this is a driving related offense. Further, Defense has requested all photographs, police reports and accident reports pertaining to the accident in which the defendant is being charged with.

These items are essential to the defense so that an expert witness, such as a reconstruction expert can use this evidence to reconstruct the accident as it happened at the time in question.

Section 305(B)(2), which relates to evidence that is discretionary with the Court, holds that it is discretionary with the court to compel the Commonwealth to produce the names and addresses of eye witnesses, all written and recorded statements and substantially verbatim oral statements of eye witnesses the Commonwealth intends to call at trial, all written or recorded statements and substantially verbatim oral statements made by co-defendants and by co-conspirators, etc.; and any other evidence specifically identified by the Defendant, provided the Defendant can additionally establish that its disclosure would be in the interest of justice.


Defense Attorney Agnellino, has requested a list of all phone numbers and addresses of all witnesses and eyewitnesses to the alleged crime, and expert witnesses, any reports indicating that the defendant refused a chemical test, and result and reports of scientific tests, expert opinions, written or recorded reports prepared by an expert, and the complete medical record reports concerning the medical and psychological injuries to the victims, and the lists of doctors, hospital and surgeons, or psychologists that they have been seen by.

On the issue of the eye witnesses, it is imperative that the names and addresses of all eyewitnesses to this accident be produced by the Commonwealth because it is alleged by the Commonwealth in various discussions with District Attorney McGuinness that there were eye witnesses to the accident including apparently, hunters, who were target practicing in the woods at the time of the accident. These witnesses are imperative and indispensable witnesses because the reconstruction expert would need to speak with these witnesses so as to create an accurate reconstruction of the accident as it occurred, so that the jury will have an accurate reconstruction as triers of fact to review to determine the guilt or innocence of defendant.

Defense Attorney Agnellino has also requested the Commonwealth present any evidence of the Defendant refusing a chemical test and further present evidence of the scientific tests or the method of obtaining the blood test from the Defendant by the State Police. This is important so as to determine by a blood expert, whether or not the blood alcohol content of the Defendant at the time at which his blood was taken, is accurate and reflects the level of Defendant's blood alcohol content at the time of the accident.

Defense Attorney Agnellino further requests that the Court order the medical reports of the victims and/or their respective legal representatives sign necessary releases and provide a list of hospitals, doctors, surgeons, psychologists, etc. that they have been seen or treated by. This information is necessary to determine whether serious bodily injury has occurred to the victims. Serious bodily injury is an element of the crimes of Aggravated Assault, Injury or Death by Non-Licensed Driver, and Aggravated Assault by Motor Vehicle-DUI. Therefore, it is imperative that the Court compel discovery of these items, or in the alternative, compel the Commonwealth to have the victims or their legal representative sign the necessary releases and provide the necessary names and addresses and phone numbers of doctors, hospitals, surgeons, etc. that the victims have seen in reference to this matter.

RESPECTFULLY SUBMITTED this 21st day of January, 1997.


ARTHUR D. AGNELINO, ESQ./Bar#65140
315 South Main Street
Athens, PA 18810
Telephone: (717) 888-6786

COMMONWEALTH OF PENNSYLVANIA

: IN THE COURT OF COMMON PLEAS

VS.

: OF BRADFORD COUNTY, PENNSYLVANIA

Ronald Baker

: NO. 96CR000716

ANSWER TO INFORMAL REQUEST FOR PRE-TRIAL DISCOVERY AND INSPECTION
PURSUANT TO PENNSYLVANIA RULES OF CRIMINAL PROCEDURE 305-A

In compliance with the informal request provisions for Pre-trial Discovery and Inspection of the Pennsylvania Rules of Criminal Procedure Rule 305-A, the Commonwealth answers the Informal Request made by the Defendant to disclose to the Defendant certain information as set forth in the Informal Request as follows:

1. The following information and/or copies of information can be obtained from the Bradford County District Attorney's Office, Monday through Friday during the hours of 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.

- (a) Any evidence favorable to the accused which is material to guilt or to punishment, and which is within the possession or control of the Attorney for the Commonwealth.
- (b) Any written confession or inculpatory statement, or the substance of any oral confession or inculpatory statement, and the identity of the persons to whom the confession or inculpatory statement was made, which is in the possession or control of the Attorney for the Commonwealth.
- (c) The defendant's prior criminal record.
- (d) The circumstances and results of any identification of the defendant by voice, photograph, or in-person identification.
- (e) Results or reports of scientific tests, expert opinions, and written or recorded reports of polygraph examinations or other physical or mental examination of the defendant, which are within the possession or control of the Attorney for the Commonwealth.
- (f) Any tangible objects, including documents, photographs, fingerprints, or other tangible evidence.
- (g) The transcripts and recordings of any electronics surveillance, and the authority by which the said transcripts and recordings were obtained.

2. In the event that counsel for the defendant or the defendant requests items which are discretionary with the Court under Rule 305 B (2) an appointment will be arranged by the District Attorney's Office, if requested by counsel for the defendant or the defendant, for the purpose of discussing the defendant's request for the discovery of items which are discretionary with the Court.

Respectfully submitted,

Bennett R. Adams
Attorney for the Commonwealth

CLERK OF COURT
JAN 27 3 45 PM '97

COMMONWEALTH OF PENNSYLVANIA

VS.

IN THE COURT OF COMMON PLEAS
BRADFORD, PENNSYLVANIA
CRIMINAL DIVISION

RONALD BAKER

ACTION NO. 96CR000716

BILL OF PARTICULARS

Now comes Rosannette R. Abrams, Assistant District Attorney of Bradford County and respectfully answers the Request for Bill of Particulars as follows:

On or about September 29, 1996 in Bradford County, Pennsylvania, the Defendant, was the driver of a vehicle and did cause an accident resulting in injury or death of a person, namely, Kimberly Benjamin and whose operating privilege at the time of the accident was canceled, recalled, revoked or suspended (relating to revocation or suspension of operating privilege) and not restored or who at the time of the accident had not been issued a valid driver's license. The Defendant, was the driver of a vehicle and did cause an accident resulting in injury or death of a person, Chelsea Brenner, and whose operating privilege at the time of the accident was canceled, recalled, revoked or suspended (relating to revocation or suspension of operating privilege) and not restored or who at the time of the accident had not been issued a valid driver's license. The Defendant, was the driver of a vehicle and did cause an accident resulting in injury or death of a person, Richard Benjamin and whose operating privilege at the time of the accident was canceled, recalled, revoked or suspended (relating to revocation or suspension of operating privilege) and not restored or who at the time of the accident had not been issued a valid driver's license. The defendant drove, operated or was in actual physical control of the movement of a vehicle, while under the influence of alcohol to a degree which rendered the defendant incapable of safe driving, The defendant drove, operated or was in actual physical control of the movement of a vehicle while the amount of alcohol by weight in the blood of the person was 0.10% or greater, the test amount being -.125%. The Defendant did attempt to cause or intentionally, knowingly or recklessly did cause bodily injury to Kimberly Benjamin. The Defendant negligently caused bodily injury to Kimberly Benjamin with a deadly weapon. The Defendant did attempt to cause or intentionally, knowingly or recklessly did cause bodily injury to Chelsea Brenner. The defendant did negligently caused bodily injury to Chelsea Brenner, with a deadly weapon. The Defendant recklessly engaged in conduct which placed or may have placed Kimberly Benjamin in danger of death or serious bodily injury. The Defendant recklessly engaged in conduct which placed or may have placed Chelsea Brenner in danger of death or serious bodily injury. The Defendant recklessly engaged in conduct which placed or may have placed Richard Benjamin, in danger of death or serious bodily injury. The defendant recklessly engaged in conduct which placed or may have placed Richard Vanderpool in danger of death or serious bodily injury. The defendant recklessly engaged in conduct which placed or may have placed Fred Vanderpool, in danger of death or serious bodily injury. The defendant did negligently cause serious bodily injury to another person, Chelsea Brenner as a result of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) and shall be convicted of violating section 3731 and the violation of section 3731 is the cause of the injury to the victim. The Defendant did negligently cause serious bodily injury to another person, Kimberly Benjamin as a result of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) and shall be convicted of violating section 3731 and the violation of section 3731 is the cause of the injury to the victim. The Defendant recklessly engaged in

conduct which placed or may have placed -Chris Ann, infant child of Kelly Place, in danger of death or serious bodily injury. The Defendant recklessly engaged in conduct which placed or may have placed Amy Parker, in danger of death or serious bodily injury. The Defendant recklessly engaged in conduct which placed or may have placed Kelly Place, in danger of death or serious bodily injury. The Defendant attempted to cause serious bodily injury to Kimberly Benjamin, or attempted to cause serious bodily injury to another, or caused such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life. The defendant did attempt to cause, or intentionally or knowingly did cause bodily injury to Kimberly Benjamin, with a deadly weapon, namely, -motor vehicle. The defendant did attempt to cause, or intentionally or knowingly did cause bodily injury to Chelsea Brenner, with a deadly weapon, namely, -motor vehicle. The defendant attempted to cause serious bodily injury to Chelsea Brenner, or attempted to cause serious bodily injury to another, or caused such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life.

The defendant did intentionally or recklessly tamper with tangible property, a 1996 Hyundai Accent of another, Snorac, Inc. so as to endanger person or property. The defendant did intentionally or recklessly tamper with tangible property, 1989 Ford Tempo of another, Richard Benjamin so as to endanger person or property. The defendant operated a motor vehicle, upon a highway in this Commonwealth, at a time when said defendant's operating privileges were suspended, revoked or cancelled. The Defendant was convicted of a second or subsequent violation of one or more of the following motor vehicle offenses:

Section 1501(a); Section 1543; Section 3367; Section 3367; Section 3733; Section 3734; Section 3748.

The defendant drove a motor vehicle, upon a highway of this Commonwealth, without a valid license. The defendant drove an automobile or vehicle, upon a highway of this Commonwealth, in a willful or wanton disregard for the safety of persons or property. The defendant did drive a vehicle, on a public highway of this Commonwealth, in careless disregard for the safety of persons or property. The defendant drove a vehicle, on a highway of the Commonwealth, on the left side of the center or marked center line of the roadway in overtaking and passing another vehicle proceeding in the same direction and at such time the left side was not clearly visible and was not free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle being overtaken; and further the defendant did not return to an authorized lane of travel as soon as practicable. The defendant drove a vehicle, on a public highway in this Commonwealth, and did meet a vehicle on said roadway proceeding in an opposite direction and at such time the defendant failed to give to the other vehicle at least one half of the main traveled portion of the roadway as nearly as possible. The defendant did drive a motor vehicle, upon a highway in this Commonwealth, a roadway where signs and markings are in a place to define a no-passing zone, as set forth in sub-section (a) of Section 3307, and the defendant did pass on the left side of the roadway within the no-passing zone. The defendant drove a motor vehicle, on a roadway divided into two or more clearly marked lanes for traffic and failed to drive his vehicle as nearly as practicable entirely within a single lane without having first ascertained that the movement can be made with safety.

Respectfully submitted,

Rosamette R. Abram
Attorney for the Commonwealth



Mary Lou Vanderpool
District Court Administrator

Bradford County Courthouse
301 Main Street
Towanda, PA 16848
(717) 265-1707 FAX: (717) 265-1733
2/03/97

Robin L. Lehman
Deputy

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA

VS.

NO. 96CR000716

RONALD JAMES BAKER

TO: FILE COPY ONLY

Please be advised that you are directed to appear on 02/06/97 at
9:20 AM (#2) before the Honorable JOHN C. MOTT in Court Room
No. 2 of the Bradford County Courthouse, Towanda,
Pennsylvania, for a/an PLEA in the above
captioned matter.

Sincerely,

Mary Lou Vanderpool
District Court Administrator

MY
CC:

Court file
Defendant's Address:
515 SECOND ST.
(BRADFORD CO. JAIL)

TOWANDA, PA 16848

COPIES OF THIS NOTICE WERE SENT TO:

DISTRICT ATTORNEY
RONALD JAMES BAKER
ARTHUR D AGNELINO

PROBATION

RECEIVED
CLERK OF COURT
FEB 3 2 14 PM '97



Mary Lou Vanderpool
District Court Administrator

Bradford County Courthouse
301 Main Street
Towanda, PA 16848
(717) 265-1707 FAX: (717) 265-1733
2/03/97

Robin L. Lehman
Deputy

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA

VS.

NO. 96CR000716

RONALD JAMES BAKER

TO: RONALD JAMES BAKER
515 SECOND ST.
(BRADFORD CO. JAIL)
TOWANDA,, PA 16848

BRADFORD COUNTY
PROBATION DEPT.
CLERK OF COURTS
Feb 4 10 20 AM '97

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9:30 AM (\$2) before the Honorable JOHN C. MOTT in Court Room
No. 2 of the Bradford County Courthouse, Towanda,
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captioned matter.

Sincerely,

Mary Lou Vanderpool
District Court Administrator

NEW
CV:

Court file
Defendant's Address:
515 SECOND ST.
(BRADFORD CO. JAIL)
TOWANDA,, PA 16848

COPIES OF THIS NOTICE WERE SENT TO:
DISTRICT ATTORNEY
RONALD JAMES BAKER
ANTHONY D AGNELINO
PROBATION

X

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS

y.

: BRADFORD COUNTY, PENNSYLVANIA

RONALD JAMES BAKER

: NO. 96 CR 000716

[illegible]

ORDER

AND NOW, this 6th day of February, 1997, being the time and place scheduled for a plea proceeding in the above captioned matter, and the Defendant having elected to not enter a plea, the Court Administrator is directed to place this matter on the next available criminal trial list.

BY THE COURT:

to
attn.: Court Administrator

BY THE COURT:

John C. White J.

COUNTY OF COCONINO
 ARIZONA
 SUPERIOR COURT
 IN AND FOR THE COUNTY OF COCONINO
 STATE OF ARIZONA
 vs.
 THE ARIZONA POWER & LIGHT COMPANY
 Plaintiff
 vs.
 THE ARIZONA POWER & LIGHT COMPANY
 Defendant

#14



Mary Lou Vanderpool
District Court Administrator

Bradford County Courthouse
301 Main Street
Towanda, PA 16848
(717) 265-1701 FAX: (717) 265-1733
2/07/97

Robin L. Lehman
Deputy

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA
VS.
RONALD JAMES BAKER

* NO. 96CR000716
*

PRE-TRIAL CONFERENCE & TRIAL NOTICE

TO: RONALD JAMES BAKER
515 SECOND ST.
(BRADFORD CO. JAIL)
TOWANDA, PA 16848

Please be advised that the Court directs that the Defendant and his/her counsel shall appear for a pre-trial conference on 04/01/97 at 8:30 AM at the Bradford County Courthouse, Towanda, Pa.

If a plea agreement has been reached, defense shall be prepared to appear before the Court for entry of a plea immediately following the conference. If a plea is not entered on that day, the Court has indicated that this shall constitute sufficient grounds for the Court to reject any plea agreement.

If a plea is not entered on that date, be prepared to proceed to trial on APRIL 7, 1997, at 8:30 a.m.

Sincerely,
Mary Lou Vanderpool
District Court Administrator

Address:

515 SECOND ST., (BRADFORD CO. JAIL), TOWANDA, PA

CLERK OF COURT FILE

COPIES OF THIS NOTICE WERE SENT TO:

DISTRICT ATTORNEY
RONALD JAMES BAKER
ARTHUR D AGNELLINO

X #15



Mary Lou Vanderpool
District Court Administrator

Bradford County Courthouse
301 Main Street
Towanda, PA 16848
(717) 265-1787 FAX: (717) 265-1733
2/07/97

Robin L. Lehman
Deputy

IN THE COURT OF COMMON PLEAS
OF BRADFORD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA
VS.
RONALD JAMES BAKER

* NO. 96CR000716

PRE-TRIAL CONFERENCE & TRIAL NOTICE
TO: FILE COPY ONLY

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If a plea agreement has been reached, defense shall be prepared to appear before the Court for entry of a plea immediately following the conference. If a plea is not entered on that day, the Court has indicated that this shall constitute sufficient grounds for the Court to reject any plea agreement.

If a plea is not entered on that date, be prepared to appear for trial on APRIL 7, 1997, at 8:30 a.m.

Sincerely,
Mary Lou Vanderpool
District Court Administrator

Defendant's Address:
325 BROAD ST., (BRADFORD CO. JAIL), TOWANDA,, PA
cc: OFFICIAL COURT FILE

COPIES OF THIS NOTICE WERE SENT TO:
DISTRICT ATTORNEY
RONALD JAMES BAKER
ARTHUR D AGNELINO